

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

COMMENCED TERM, ~~1915~~ 1920

No. ~~1915~~ 205

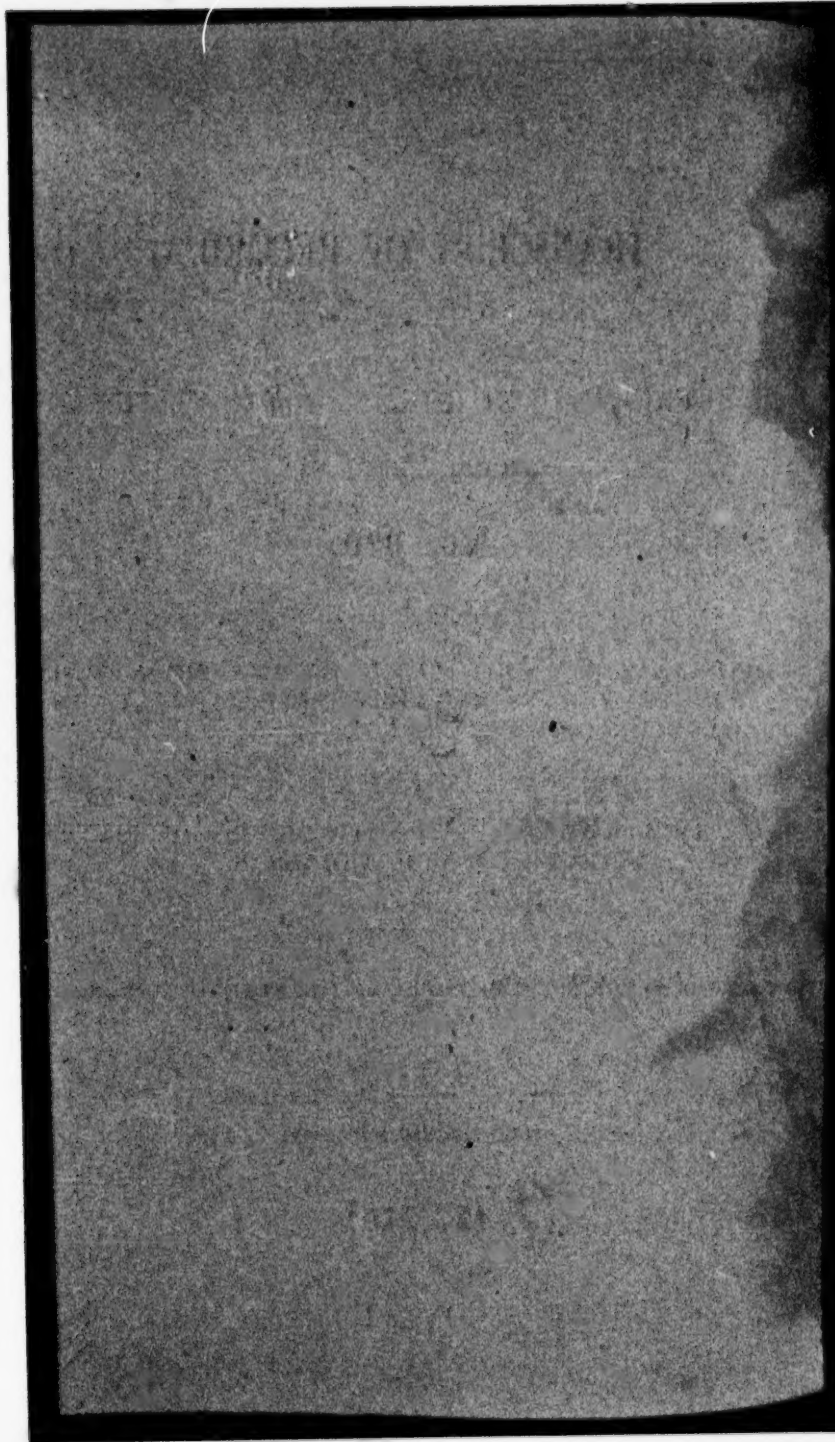
**THE KANSAS CITY SOUTHERN RAILWAY COMPANY AND
THE TEXARKANA AND FORT SMITH RAILWAY COM-
PANY, PLAINTIFFS IN ERROR,**

**VS.
ROAD IMPROVEMENT DISTRICT NUMBER 6 OF LETTER
RIVER COUNTY, ARKANSAS.**

ON WRIT OF HABEAS CORPUS TO THE SUPREME COURT OF THE STATE OF ARKANSAS.

FILED NOVEMBER 2, 1920.

(37,375)



(27,375)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1919.

No. 620.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY AND
THE TEXARKANA AND FORT SMITH RAILWAY COM-
PANY, PLAINTIFFS IN ERROR,

vs.

ROAD IMPROVEMENT DISTRICT NUMBER 6 OF LITTLE
RIVER COUNTY, ARKANSAS.

ERROR TO THE SUPREME COURT OF THE STATE OF ARKANSAS.

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1 In the Little River Circuit Court, Little River County,
Arkansas.

Pleas Before Honorable James S. Steel, Judge of the Little River
Circuit Court, on February 19th, 1919.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEX-
ARKANA & FORT SMITH RAILWAY COMPANY, Appellants,

vs.

ROAD IMPROVEMENT DISTRICT NUMBER SIX, LITTLE RIVER COUNTY
ARKANSAS, Appellee.

2 *Petition.*

To the Honorable Court of Little River County:

The undersigned, who constitute a majority in land value, in
acreage or in number of the land owners within the following de-
scribed territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of section 31; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$
of the NE $\frac{1}{4}$ of Section 31; all of Sections 5, 6, 7, 8, 18, 19 and 30
and the W $\frac{1}{2}$ of sections 4, 17, 20 and 29.

In Township 11 South, Range 29 West.

All of sections 29, 30, 31 and 32; W $\frac{1}{2}$ of sections 28 and 33, also
right bank of Little River; all of sections 19 and 20 and the W $\frac{1}{2}$ of
section 21.

In Township 12 South, Range 30 West.

All of sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25,
and E $\frac{1}{2}$ of sections 8 and 23 and the N $\frac{1}{2}$ of section 16.

In Township 11 South, Range 30 West.

All of sections 25, 26, 27, 32, 33, 34, 35 and 36, and S $\frac{1}{2}$ of section
28, and right bank of Little River; all of sections 23 and 24.

Also all lots, blocks, additions or any other real property located
in the towns of Wilton and Ashdown or any other towns located
in the above described territory; pray that the same be formed into
a Road Improvement District, in pursuance of the provisions of Act

3 #338 of the General Assembly of the State of Arkansas of the year of 1915; and have filed herewith a plat, upon which the boundaries of said district are plainly indicated, showing the roads, which it is intended to construct and improve as nearly as practicable, said roads being as follows:

Beginning at a point on or near the east and west section line between sec. 29 and 32, township 12 north, range 29 west, said point being 800 feet more or less east of the NW corner of section 32, township 12 south, range 29 west and in or near the town of Ashdown; Thence meandering in a general northwesterly direction along the west right-of-way of the Kansas City Southern Ry. thru sections 29, 30, 19, and 18 township 12 south, range 29 west, thence east across said road, thence continuing in a northwesterly direction along the east right-of-way of the Kansas City Southern Ry. thru section 18, township 12 south, range 29 west, and section 13, township 12 south, range 30 west, to a point on or near the east and continuing east on or near the east and west section line between sections 12 and 13 to a point on or near the NW corner of section 18, township 12 south, range 29 and 30 west to a point on said range line 350 feet more or less north of the SW corner of section 30, township 11 south, range 29 west, thence continuing in a northwesterly direction, thence in a northeasterly direction, thence continuing north on range line between range 29 and 30 west. Above described road terminating at a point on the south bank of Little River known as the Mills Ferry.

4 Also a lateral road beginning at a point on the above described road, said point being on or near the NW corner of section 7, township 12 south, range 29 west, thence continuing in a western direction on or near the section line between sections 1 and 12, 2 and 11, 3 and 10, to a point on or near the NW corner of section 10 thence continuing in a northern direction on or near west line of section 3, said road terminating at a point on or near the NW corner of section 3, township 12 south, range 30 west, above described roads being the present public road throughout; and your petitioner also files a good bond, conditioned that they will pay all court costs and legal advertising that may accrue in the event said district is not established.

Your petitioners agree to any changes that may hereafter be made by the court, or the Commissioners of the District, in the line of said road, provided that the general purpose of securing an improved highway between the termini mentioned is attained.

Your petitioners further pray that P. S. Kinsworthy, N. D. Cooper, Joel Mills, three resident owners of real property, owning lands in said district, and men of good business ability, be appointed by the Court as Commissioners of said District.

JOEL MILLS.

L. T. GREER.

SANDY WRIGHT.

her

MARY X BRIGGS.

mark

W. D. BRATTON.
W. T. OSBORNE.
J. M. ROSS.
A. L. BROWN.
JAS. A. BRYANT.
ROBT. MELIUS.
his
G. W. — LEWIS.
mark
J. H. MIZE.
OSCAR GANTT.
ADA MILLS.
REUBEN RUSSELL.
J. W. COOD.
R. A. BROWN & CO.
D. W. WHEELER.
MRS. A. L. CHAMBERS.
W. K. SWITER.
J. M. VEALY.
MRS. W. H. CHARLTON.
W. D. WALDROP.
J. R. WALLS.
HARDY C. THOMPSON.
CHAS. EDWARDS.
MRS. AUGUSTA CHAMBERS.
A. L. CATHEY.
WILTON WAREHOUSE ASS'N.
BANK OF WILTON.
T. W. GILL.
JOHNIE DAVIS.
W. M. HAWKINS.
MRS. W. J. CLARK.
I. H. MATHEWS.
JOHN JOYNER.
G. W. SAVAGE.
AMELIA SYKES.
VON PIPKIN.
MRS. P. A. PIPKIN.
C. W. CASH.
AIRA L. CASH.
JAKE HILL.
E. H. TANNAHILL.
J. W. WAFER.
H. N. LAY.
BEN EDWARDS.
his
J. L. X LYONS.
mark
H. R. YEAGER (160 A).
W. R. THOMPSON.
MRS. J. W. THOMPSON.

E. P. MCGINTY.
T. J. HASDEN.
MRS. S. J. REYNOLDS.
WILTON GIN CO.
R. L. GANTT.
BEN CRANFORD.
N. E. ROUGARS.
MAGGIE FISHER.
MINNIE FISHER.
MRS. JESS McNEIL.
W. B. SHAFER.
C. G. ANOBNON.
LEE DUCKETT.
J. C. NOGERS.
J. K. RUTLEDGE.
E. J. FRENCH.
J. T. STALLINGS VAN BUREN.
MRS. MAGGIE TOLAND.
BLOOK.
J. B. MARLING.
GEO. HARRIS.

6

Petition.

To the Honorable County Court of Little River County:

The undersigned, who constitute a majority in land value, acreage or in number of the land owners within the following described territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of section 31; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 31; all of sections 5, 6, 7, 8, 18, 19, and 30 and the W $\frac{1}{2}$ of sections 4, 17, 20 and 29.

In Township 11 South, Range 29 West.

All of sections 29, 30, 31, and 32; W $\frac{1}{2}$ of sections 28 and 33, also right bank of Little River; all of sections 19 and 20 and the W $\frac{1}{2}$ of section 21.

In Township 12 South, Range 30 West.

All of sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25, and E $\frac{1}{2}$ of sections 8 and 23, and the N $\frac{1}{2}$ of section 16.

In Township 11 South, Range 30 West.

All of sections 25, 26, 27, 32, 33, 34, 35 and 36, and S $\frac{1}{2}$ of section 28, and right bank of Little River, all of sections 23 and 24.

Also all lots, blocks, additions or any other real property located in the towns of Wilton and Ashdown or any other towns located in the above described territory: pray that the same be formed into a Road Improvement District, in pursuance of the provisions of Act #338 of the General Assembly of the State of Arkansas, of the year of 1915; and have filed herewith a plat, upon which the boundaries of said district are plainly indicated, showing the roads, which it is intended to construct and improve as nearly as practicable, said roads being as follows:

Beginning at a point on or near the east and west section line between sec. 29 and 32, township 12 south, range 29 west, said point being 800 feet more or less east of the NW corner of section 32, township 12 south, range 29 west and in or near the town of Ashdown; thence meandering in a general northwesterly direction along the west right-of-way of the Kansas City Southern Ry. thru sections 29, 30, 19 and 18 township 12 south, range 29 west, thence east across said road, thence continuing in a northwesterly direction along the east right-of-way of the Kansas City Southern Ry. thru section 18, township 12 south, range 29 west, and section 13, township 12 south, range 30 west, to a point on or near the east and continuing east or *nor* near the east and west section line between sections 12 and 13 to a point on or near the NW corner of section 18, township 12 south, range 29 and 30 west, to a point on said range line 350 feet more or less north of the SW corner of section 30, township 11 south, range 29 west, thence continuing in a northwesterly direction, thence in a northeasterly direction, thence continuing north on range line between range 29 and 30 west. Above described road terminating at a point on the south bank of Little River known as the Mills Ferry.

Also a lateral road beginning at a point on the above described road, said point being on or near the NW corner of section 7, township 12 south, range 29 west, thence continuing in a western direction on or near the section line between sections 1 and 12, 2 and 11, 3 and 10, to a point on or near the NW corner of section 10 thence continuing in a norther direction on or ear the west line of section 3, said road terminating at a point on or near the NW corner of section 3, township 12 south, range 30 west, above described roads being the present public road throughout.

And your petitioners also file a good bond, conditioned that they will pay all court costs and legal advertising that may accrue in the event said district is not established.

Your petitioners agree to any changes that may hereafter be made by the Court, or the Commissioners of the District, in the line of said road, provided that the general purpose of securing an improved highway between the termini is attained.

Your petitioners further pray that S. P. Kinsworthy, N. D.

Cooper, and Joel Mills, three resident owners of real property, owning lands in said district, and men of good business ability, be appointed by the Court as Commissioners of said District.

J. H. CLARK.
E. C. COOPER
N. D. COOPER.
E. W. YOUNGBLOOD.
FRANK LOVEWELL.
W. L. HEDGECOCK.
C. E. GIST.
J. C. SLUSSER.
DOCK STILL.
JAMES STILL.
JEFF WILLIS.
SARAH SMITH.
JOE CLEVENS.
DAN FLEMING.
S. J. GORDON.
J. H. CHINE.

Petition.

To the Honorable County Court of Little River County:

The undersigned, who constitute a majority in land value, in acreage or in number of the land owners within the following described territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of section 31, the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 31; all of sections 5, 6, 7, 8, 18, 19, and 30 and the W $\frac{1}{2}$ of sections 4, 17, 20 and 29.

10 In Township 11, South, Range 29 West.

All of section- 29, 30, 31 and 32; W $\frac{1}{2}$ of sections 28 and 33, also right bank of Little River, all of sections 19 and 20 and the W $\frac{1}{2}$ of section 21.

In Township 12 South, Range 30 West.

All of sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25, and E $\frac{1}{2}$ of sections 8 and 23 and the N $\frac{1}{2}$ of section 16.

In Township 11 South, Range 30 West.

All of sections 25, 26, 27, 32, 33, 34, 35, and 36 and S $\frac{1}{2}$ of section 28, and right bank of Little River all of sections 23 and 24.

Also all lots, blocks, additions or any other real property located in the towns of Wilton, and Ashdown or any other towns located in the above described territory:

Pray that the same be formed into a Road Improvement District, in pursuance of the provisions of Act #338 of the General Assembly of the State of Arkansas, of the year of 1915; and have filed herewith a plat, upon which the boundaries of said district are plainly indicated, showing the roads, which it is intended to construct and improve as nearly as practicable, said roads being as follows:

Beginning at a point on or near the east and west section line between sec. 29 and 32, township 12 south, range 29 west, said point being 800 feet more or less east of the NW corner of section 32, township 12 south, range 29 west and in or near the town of Ashdown; thence meandering in a general northwesterly direction along the west right-of-way of the Kansas City Southern Ry. thru sections 29, 30, 19 and 18 township 12 south, range 29 west, thence east across said road, thence continuing in a northwesterly direction along the east right-of-way of the Kansas City Southern Ry. thru section 18, township 12 south, range 29 west, and section 13, township 12 south, range 30 west, to a point on or near the east and continuing east on or near the east and west section line between sections 12 and 13 to a point on or near the NW corner of section 18, township 12 south, range 29 and 30 west, to a point on said range line 350 feet more or less north of the SW corner of section 30, township 11 south, range 29 west, thence continuing in a northwesterly direction, thence in a northeasterly direction, thence continuing north on range line between range 29 and 30 west. Above described road terminating at a point on the south bank of Little River known as the Mills Ferry.

Also a lateral road beginning at a point on the above described road, said point being on or near the NW corner of section 7, township 12 south, range 29 west, thence continuing in a western direction on or near the section line between section- 1 and 12, 2 and 11, 3 and 10, to a point on or near the NW corner of section 10 thence continuing in a northern direction on or near west line of section 3, said road terminating at a point on or near the NW corner of section 3, township 12 south, range 30 west, above described roads being the present public road throughout; and your petitioners also file a good bond, conditioned that they will pay all costs and legal advertising that may accrue in the event said district is not established.

Your petitioners agree to any changes that may hereafter be made by the Court, or the Commisisoners of the District, in the line of said road, provided that the general purpose of securing improved highway between the termini mentioned is attained.

Your petitioners further pray that P. S. Kinsworthy, N. D. Cooper, and Joel Mills, three resident owners of real property, owning lands in said district, and men of good business ability, be appointed by the Court as Commissioners of said District.

P. S. KINSWORTHY.
R. E. JOHNSTON.
J. W. PIPKIN.
G. W. JOHNSTON.
EARL A. HARGROVE.

Petition.

To the Honorable County Court of Little River County:

The undersigned, who constitute a majority in land value in acreage or in number of the land owners within the following described territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of section 31; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 31; all of sections 5, 6, 7, 8, 18, 19, and 30 and the W $\frac{1}{2}$ of sections 4, 17, 20 and 29.

13 In Township 11 South, Range 29 West.

All of sections 29, 30, 31, and 32; W $\frac{1}{2}$ of sections 28 and 33, also right bank of Little River all of sections 19 and 20 and the W $\frac{1}{2}$ of section 21.

In Township 12 South, Range 30 West.

All of sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25, and E $\frac{1}{2}$ of sections 8 and 23 and the N $\frac{1}{2}$ of section 16.

In Township 11 South, Range 30 West.

All of sections 25, 26, 27, 32, 33, 34, 35 and 36, and S $\frac{1}{2}$ of section 28, and right bank of Little River all of sections 23 and 24.

Also all lots, blocks, additions or any other real property located in the towns of Wilton and Ashdown or any other towns located in the above described territory; pray that the same be formed into a Road Improvement District, in pursuance of the provisions of Act #338 of the General Assembly of the State of Arkansas, of the year of 1915; and have filed herewith a plat, upon which the boundaries of said district are plainly indicated, showing the roads, which it is intended to construct and improve as nearly as practicable, said roads being as follows:

Beginning at a point on or near the east and west section line between sec. 29 and 32, township 12 south, range 29 west, said point being 800 feet more or less east of the NW corner of section 32, township 12 south, range 29 west and in or near the town of Ashdown;

14 thence meandering in a general northwesterly direction along the west right-of-way of the Kansas City Southern Ry. thru sections 29, 30, 19, and 18, township 12 south, range 29 west, thence east across said road, thence continuing in northwesterly direction along the east right-of-way of the Kansas City Southern Ry. thru section 18 township 12 south, range 29 west, and section 13, township 12 south, range 30 west, to a point on or near the east and continuing east on or near the east and west section line between sec-

tions 12 and 13 to a point on or near the NW corner of section 18, township 12 south, range 29 and 30 west, to a point on said range line 350 feet more or less north of the SW corner of section 30, township 11 south, range 29 west, thence continuing in a northwesterly direction, thence in a northeasterly direction, thence continuing north on range line between range 29 and 30 west. Above described road terminating at a point on the south bank of Little River known as the Mills Ferry.

Also a lateral road beginning at a point on the above described road, said point being on or near the NW corner of section 7, township 12 south, range 29 west, thence continuing in a western direction on or near the section line between sections 1 and 12, 2 and 11, 3 and 10, to a point on or near the NW corner of section 10 thence continuing in a northern direction on or near west line of section 3, said road terminating at a point on or near the NW corner of section 3, township 12 south, range 30 west, above described roads being the present public road throughout; and your petitioners also file a good bond, conditioned that they will pay all court costs and legal advertising that may accrue in the event said district is not established.

Your petitioners agree to any changes that may hereafter be made by the Court, or the Commissioners of the District, in the line of said road, provided that the general purpose of securing an improved highway between the termini mentioned is attained.

Your petitioners further pray that P. S. Kinsworthy, N. D. Cooper and Joel Mills, three resident owners of real property, owning lands in said district, and men of good business ability, be appointed by the Court as Commissioners of said District.

ALBERT KENNEN.
L. H. SIMMONS.
J. C. THRASH.
L. A. SIMMONS.
B. S. THRASH.
GEO. HUNTER.
J. T. PRICE.
E. C. HENRY.
A. GOLDSMITH.
L. C. ANDERSON.
C. McFADDEN.
T. B. FAULKES.
JAMES S. STEEL.
J. H. BARKMAN.
her
CURL+NELSON.
Mark
F. LYONS.
D. C. BOYER.

Filed in open court this the 25th day of Feb. 1918.

CHAS. H. PARKS,
Clerk.

S. L. JONES,
D. C.

"Ex. & ordered that notice of hearing be re-published and set for hearing on April 17, 1918, at 2 p. m.
3/19/18.

LON T. JONES,
Co. Judge.

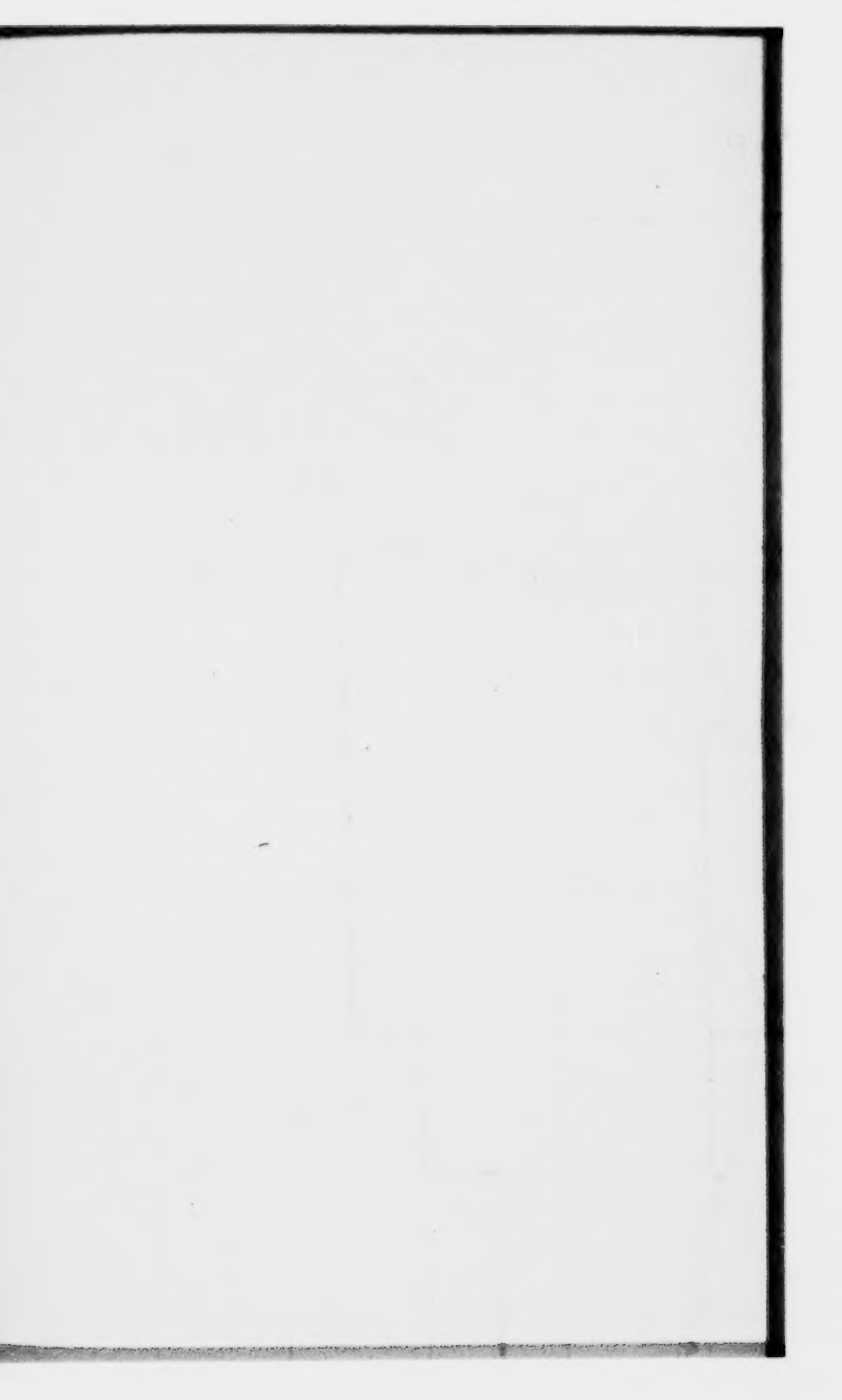
"Ex. & ordered that notice of hearing be re-published and set for hearing on May 14, 1918, at 2 p. m. 4/17/18.

LON T. JONES,
Co. Judge.

16 Ex. & petition granted and district formed and created with the following territory eliminated. Sec. 8, W $\frac{1}{2}$ 17, W2 20, & W2 29 Tp. 12 S. R. 29 West, remonstrance filed by R. L. Johnson, et al. denied and Joel Mills, P. S. Kinsworthy, and N. D. Cooper are appointed as Comrs. 5/14/18.

LON T. JONES,
County Judge.

(Here follows blue print marked p. 16 $\frac{1}{2}$.)

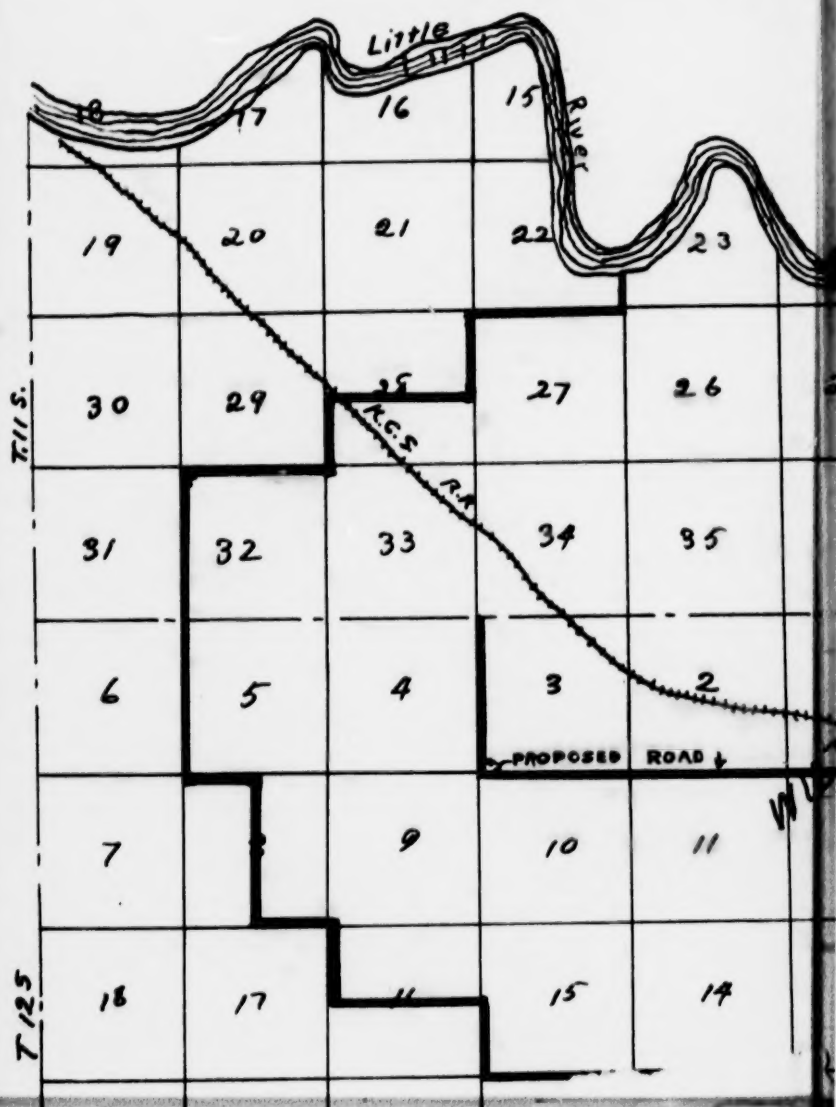


MAP OF
LITTLE RIVER COUNTY
ROAD IMPROVEMENT DISTRICT

PREPARED BY
ARKANSAS STATE HIGHWAY

W.H.B. OWEN,
CHAIRMAN.

DECEMBER 4th 1917



NTY

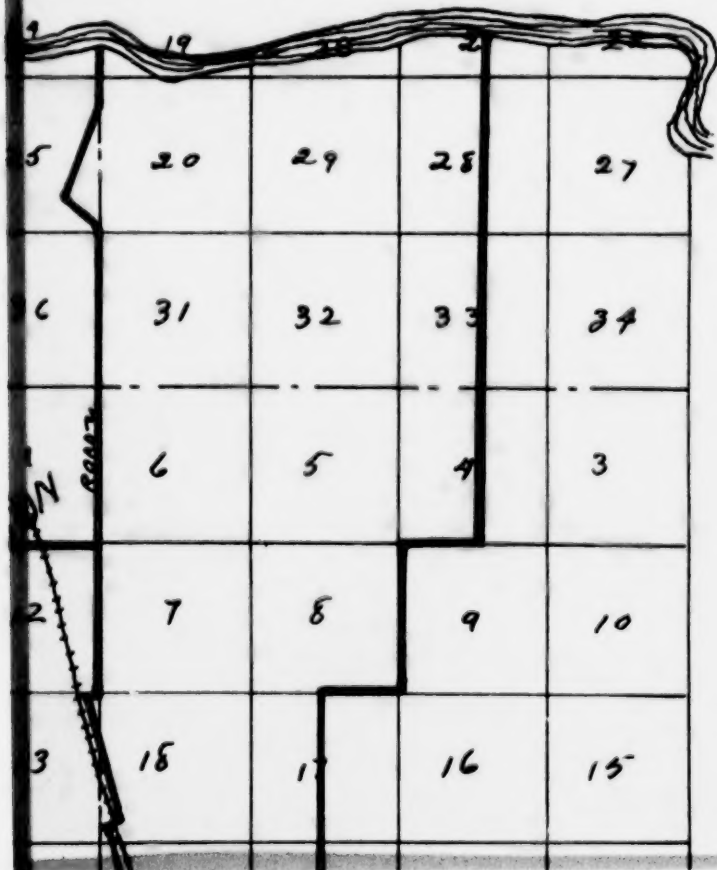
No. 6

Y COMMISSION

MR. CARTER.
ENGINEER.

No 620.
K.E.S. Rydahl } 16 1/2
~
Road Int. Dist)

Sevier County



17

Bond.

Whereas, parties claiming to be a majority in land value, acreage or number within the following described territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of sec. 31; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 31, all of Secs. 5, 6, 7, 8, 18, 19, and 30 and the W $\frac{1}{2}$ of Secs. 4, 17, 20 and 29.

In Township 11 South, Range 29 West.

All of Secs. 29, 30, 31 and 32; W $\frac{1}{2}$ of Secs. 28 and 33, also right bank of Little River. All of Secs. 19 and 20 and the W $\frac{1}{2}$ of S Sec. 21.

In Township 12 South, Range 30 West.

All of sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25, and E $\frac{1}{2}$ of Sec. 8 and 23 and the N $\frac{1}{2}$ of Sec. 16.

In Township 11 South, Range 30 West.

All of Secs. 25, 26, 27, 32, 33, 34, 35, and 36 and S $\frac{1}{2}$ of Sec. 28, and the right bank of Little River all of Secs. 23 and 24.

have filed petition, praying that said territory be organized into a Road Improvement District, under Act #338 of the General Assembly of the State of Arkansas, of the Session of 1915.

Now, therefore, in consideration of the sum of \$1.00 to us in hand paid, and other sufficient consideration, we hereby undertake that the petitioners will pay all Court costs and legal advertising that may accrue in the event that said district is not established.

Witness our hands this the 25th day of February, 1918.

JOEL MILLS.

P. S. KINSWORTHY.

N. D. COOPER.

Filed in Open Court this 25th day of March, 1918.

CHAS. H. PARK,

Clerk.

S. L. JONES,

D. C.

19

Notice.

Notice is hereby given that there has been filed in this court a petition signed by Joel Mills, L. T. Greer and others, purporting to be a

majority in land value, acreage or number of land owners within a proposed road district embracing the following territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of Section 31; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ section 31; all of sections 5, 6, 7, 8, 18, 19 and 30 and the W $\frac{1}{2}$ of sections 4, 17, 20 and 29.

In Township 11 South, Range 29 West.

All of sections 29, 30, 31 and 32; W $\frac{1}{2}$ of sections 28 and 33 also right bank of Little River all of sections 19, 20 and the W $\frac{1}{2}$ of section 21.

In Township 12 South, Range 30 West.

All of sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25, and the E $\frac{1}{2}$ of sections 8 and 23 and the N $\frac{1}{2}$ of section 16.

In Township 11 South, Range 30 West.

All of sections 25, 26, 27, 33, 34, 35, and 36 and S $\frac{1}{2}$ of section 28, and right bank of Little River all of sections 23 and 24. Also all lots, blocks, additions or any other real property located in the towns of Wilton and Ashdown or any other towns located in the above described territory. And praying the improvement of a certain public road from Ashdown to Mill's Ferry and laterals. And that a preliminary survey and estimates have been made by the State Highway Department, as required by law, and filed in this Court before said petition was circulated; and there was also filed with said petition a good bond, conditioned as required by law.

20 Now, therefore, all persons, firms, or corporations owning lands or other real property in the proposed district are hereby notified to appear before the County Court on the 19th day of March, 1918, at the hour of 2 o'clock p. m. to show cause for or against the establishment of said improvement district. Lon T. Jones, County Judge. I certify that the foregoing is a true and correct copy of the notice ordered published by the County Court of Little River County in the matter therein described. Witness my hand and seal of this court this 25th day of February, 1918.

CHAS. H. PARK,

Clerk of Little River County, Arkansas.

By S. L. JONES, D. C.

Proof of Publication.

STATE OF ARKANSAS,
County of Little River, ss:

I, O. T. Graves, do solemnly swear that I am Editor and Publisher of the Little River News; that the same is a Newspaper, published and circulated in Little River County, Arkansas; that said paper has a bona fide circulation in said county, and has been regularly published therein weekly for more than one month next preceding the first insertion of the notice and advertisement hereto annexed.

That said advertisement and notice has been published in the Little River News, weekly, for 2 consecutive weeks, to-wit: in the weekly of said paper, dated Feb. 27, March 6, 1918.

(Signed)

O. T. GRAVES.

21 Sworn to and subscribed before me this 19th day of March, 1918.

[SEAL.]

GEO. R. STEEL,
Notary Public.

My commission expires Oct. 12, 1919.

Filed Meh. 19th, 1918.

CHAS. H. PARK,
Clerk.
S. L. JONES, D. C."

22

Notice.

Notice is hereby given that there has been filed in this court a petition signed by Joel Mills, L. T. Greer, et al., purporting to be a majority in land value acreage or number of land owners within a proposed road district embracing the following territory in Little River County, Arkansas, to-wit: The NW $\frac{1}{4}$; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 31; All of sections 5, 6, 7, 8, 18, 19, and 30 and the W $\frac{1}{2}$ of sections 4, 17, 30, and 29 in Township 12 S. Range 29 West. All of sections 29, 30, 31 and 32; the W $\frac{1}{2}$ of Sections 28 and 33, and also that part of Sections 19 and 20 and the W $\frac{1}{2}$ of Sec. 21 lying on the right bank of and South of Little River in Twp. 11 S. Range 30 West. All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25 and the E $\frac{1}{2}$ of Sections 8 and 23, and the N $\frac{1}{2}$ of Section 16, in Twp. 12 S. Range 30 West. Also all of sections 25, 26, 27, 32, 33, 34, 35 and 36 and the S $\frac{1}{2}$ of Section 28, and all of Sections 23 and 24, lying on the right bank of and South of Little River in Twp. 11 South, Range 30 West. And also, all lots, blocks, additions or any other real property located in the towns of Wilton or Ashdown or any other towns located in the above described territory. And praying the improvement of certain public road- from Ashdown through Wilton to Mills Ferry and laterals thereto; that a preliminary survey and estimates have been made by the State High-

23 way Department as required by law and filed in this court before said petition was circulated, and there was also filed with said petition, a good bond, conditioned as required by law. Now, therefore, all persons, firms or corporations owning lands or other real property in the proposed district are hereby notified to appear before the County Court on the 17th day of April, 1918, at the hour of 2 o'clock p. m. to show cause for or against the establishment of said Road Improvement District.

L. T. JONES,
County Judge.

Clerk's Certificate.

I hereby certify that the foregoing is a true and correct copy of the notice ordered published by the County Court of Little River County in the matter therein described. Witness my hand and the seal of this court on this the 19th day of March, 1918.

CHAS. H. PARK,
Clerk, Little River County, Arkansas.

Proof of Publication.

STATE OF ARKANSAS,

County of Little River, ss:

I, O. T. Graves, do solemnly swear that I am Editor and Publisher of the Little River News; that the same is a Newspaper, published and circulated in Little River County, Arkansas; that said paper has a bona fide circulation in said County, and has been regularly published therein for more than one month next preceding the first insertion of the notice and advertisement hereto annexed.

24 That said advertisement and notice has been published in the Little River News, weekly, for 3 consecutive weeks, to wit: in the weekly of said paper, dated March 27, April 3, 10, 1918.
(Signed) O. T. GRAVES.

Sworn to and subscribed before me this 17th day of April, 1918.
CHAS. H. PARK,

Clerk.

My Commission expires — 191—,

"Filed Apr. 17th, 1918.

CHAS. H. PARK,

Clerk.

JAS. H. WILLIAMS,

D. C."

Notice is hereby given that there has been filed in this court a petition signed by Joel Mills, L. T. Greer, et al., purporting to be a majority in land value, acreage or number of land owners within a proposed road district embracing the following territory in Little

River County, Arkansas, to-wit: The NW $\frac{1}{4}$; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31; All of Sec. 5, 6, 7, 8, 18, 19, and 30 and the W $\frac{1}{2}$ of Secs. 4, 17, 26 and 29 in Twp. 12 S. Range 29 West. All of Sections 29, 30, 31 and 32; the W $\frac{1}{2}$ of Sections 28 and 33, and also that part of Sections 19 and 20 and the W $\frac{1}{2}$ of Sec. 21, lying on the right bank of and south of Little River, in Twp. 11 S. Range 29 West. All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25 and the E $\frac{1}{2}$ of Sections 8 and 23 and the N $\frac{1}{2}$ of Section 16 in Twp. 12 S. Range 30 West. Also all of Sections 25, 26, 27, 32, 33, 34, 35 and 36 and the S $\frac{1}{2}$ of Section 28, and all of Sections 23 and 24, lying on the right bank of, and South of Little River in Twp. 11 S. Range 30 West. Also all lots, blocks, additions or any other real property located in the towns of Wilton or Ashdown or any other towns located in the above described territory. And praying the improvement of certain public roads from Ashdown through Wilton to Mills Ferry and laterals thereto; that a preliminary survey and estimates have been made by the State Highway Department as required by law and filed in this Court before said petition was circulated, and there was also filed with said petition, a good bond, conditioned

26 as required by law. Now, therefore, all persons, firms or corporations owning lands or other real property in the proposed district are hereby notified to appear before the County Court on the 14th day of May, 1918, at the hour of 2 o'clock, p. m., to show cause for or against the establishment of said Road Improvement District.

LON T. JONES,
County Judge.

Certificate.

STATE OF ARKANSAS,
County of Little River, ss:

I, Chas. H. Park, Clerk of County Court of Little River Co., Arkansas, do hereby certify that the above and foregoing is a true and correct copy of the order of the County Court made on the 17th day of April, 1918.

CHAS. H. PARK,
County Clerk.

Proof of Publication.

STATE OF ARKANSAS,
County of Little River, ss:

I, O. T. Graves, do solemnly swear that I am Editor and Publisher of the Little River News; that the same is a Newspaper, published and circulated in Little River County, Arkansas; that said paper has a bona fide circulation in said county, and has been regularly published therein weekly for more than one month next preceding the first insertion of the notice and advertisement hereto annexed:

27 That said advertisement and notice has been published in the Little River News, weekly, for 3 consecutive weeks, to-wit: in the semi-weekly of said paper, dated April 24, May 1, 8, 1918.

(Signed)

O. T. GRAVES,

Sworn to and subscribed before me this 14 day of May, 1918.

[SEAL.]

D. H. TOMPKINS,

Notary Public.

My Commission expires 6/3/20.

"Filed May 14th, 1918,

CHAS. H. PARK,

Clerk."

28

In the County Court of Little River Co.

In Re ROAD DIST. #6.

Oath of Members of Board of Commissioners, Road Improvement Dist. #6, Little River County, Arkansas.

STATE OF ARKANSAS,

County of Little River:

We, N. D. Cooper, P. S. Kinsworthy and Joel Mills do solemnly swear that we will support the Constitution of the United States and the Constitution of the State of Arkansas; and that we will faithfully discharge the duties of the members of the Board of Commissioners of Road Improvement District No. Six, in Little River County, Arkansas, upon which we are now about to enter; and that we will not, indirectly or directly, be interested in any contract made by the Board of Commissioners.

P. S. KINSWORTHY.

N. D. COOPER.

JOEL MILLS.

Subscribed and sworn to before me this the 15th day of May, A. D. 1918.

[SEAL.]

GEO. R. STEEL,

Notary Public.

My commission expires Oct. 12, 1919.

"Filed May 15th, 1918.

CHAS H. PARK,

Clerk.

W. J. DENSON, D. C."

29 In the Little River County Court, Little River County,
Arkansas.

In Re FORMATION OF PROPOSED ROAD IMPROVEMENT DISTRICT for
the Improvement of Ashdown and Mills Ferry Road.

Remonstrance.

Comes the undersigned freeholders of property embraced within
the boundaries of said proposed Road Improvement District, to-wit:

Sections 19, 20, 28, 29, 30, 31 and 32, all in Township 11 South,
Range 30 West;

and represent and show to the Court that it is in nowise the desire
and solicitation of your remonstrants that the said above described
lands be included in said proposed Road Improvement District;
that said lands were included in the petition and notice for the
formation thereof without the knowledge or consent of your remon-
strants.

Your remonstrants would further represent and show that the
including of aforesaid described lands in said proposed District would
not be of any benefit to said lands;

And that it is the purpose to include said lands within the bound-
aries of another proposed Road Improvement District wherein said
lands would be benefited.

Wherefore, premises considered, your remonstrants pray that the
above mentioned and described lands be stricken from the aforesaid
proposed Road Improvement District and left without the boundaries
thereof.

Very respectfully submitted,

30

R. L. JOHNSON.
C. W. WRIGHT.
H. A. WALKER.
C. W. EDWARDS.
J. W. WALKER.
MARY E. KINGSTON,
Per by A. A. SHAVER.
C. W. WRIGHT.
R. L. JOHNSON.
B. C. SMITH.
A. A. BIRD.
I. N. PITMAN.
T. J. MONTGOMERY.
J. B. CONUTSEN.
A. A. REED.
R. F. LEWIS.
E. C. REED.
CHAS. H. PARK,
JAS. H. WILLIAMS, D. C. *Clerk.*

"Filed Apr. 17th, 1918.

"Ex. & Remonstrance denied and dismissed."

31 In the County Court of Little River County.

In Re ROAD IMPROVEMENT DISTRICT No. 6, Little River County,
Arkansas.

Report of Organization of Commissioners.

To the Hon. Lon T. Jones, County Judge of Little River Co., Ark.:

We, the undersigned, heretofore appointed by this court as Commissioners for Road Improvement District No. 6 in Little River County, Arkansas, and said district having been organized under Act 338 of the Acts — 1915 of the General Assembly of the State of Arkansas, beg leave to report as follows, to-wit:

That we, N. D. Cooper, Joel Mills and P. S. Kinsworthy, met on the 15th day of May, 1918, and took the oath as required by law and filed a copy of the same with the Clerk of Little River County, Arkansas.

The Board, on said date, and after taking said oath, and after a copy of the same had been filed with the Clerk of the County Court, organized, electing N. D. Cooper as President of the Board of Commissioners and Joel Mills, Secretary of said Board. The Board also adopted, as the official seal of said District, a seal bearing the following inscription, to-wit:

"Road Improvement District No. 6, Little River County, Arkansas. Seal."

32 And upon motion, the Secretary of said Board, was authorized and directed to procure the necessary records and books and seal for the transaction of business. A. D. DuLaney was selected as Attorney for the District.

Thereupon, said Board adjourned to meet subject to the call of the President, or upon call of two members of said Board.

Respectfully submitted,

N. D. COOPER,
JOEL MILLS,
P. S. KINSWORTHY,

*Board of Commissioners, Road Improvement
Dist. No. 6, Little River County, Ark.*

"Filed May 29th, 1918.
CHAS. H. PARK,
Clerk."

"Ex. & approved 6/4/18.
LON T. JONES,
Co. Judge."

33 In the County Court of Little River County.

In Re ROAD IMPROVEMENT DISTRICT NO. SIX, Little Rock County,
Ark.

Report of Selection of Engineers.

To the Hon. Lon T. Jones, County Judge, Little River Co., Ark.:

We, the undersigned, Commissioners of Road Improvement District No. 6, in Little River County, Arkansas, beg leave to report that we met upon call of the President, N. D. Cooper, in Ashdown, Arkansas, on the 15th day of May, 1918, at which meeting said commissioners were all present; and that at said meeting we selected the Pareks Engineering Company, of Pine Bluff, Ark., competent engineers, as engineers for said Road Improvement District No. 6, in Little River County, Arkansas, it having been deemed advisable by said Board of Commissioners and by the County Judge to employ some competent engineer, other than the State Highway Engineer.

Respectfully submitted,

N. D. COOPER,
JOEL MILLS,
P. S. KINSWORTHY,

*Board of Commissioners, Road Improvement
District No. 6, Little River County, Arkansas.*

34 Filed this the — day of —, 1918. — —, Clk.

"Filed June 3rd, 1918.

CHAS. H. PARK,
Clerk."

"Ex. & selection of Engineer approved and bond fixed at \$2500.00,
6/4/1918.

LON T. JONES,
Co. Judge."

35 In the Little River County Court.

In Re ROAD IMPROVEMENT DISTRICT NO. 6, Little River County,
Ark.

Filing of Bond of Engineer.

Come, the undersigned, Commissioners of Road Improvement District No. 6, and present to the court the bond of the Parkes Engineering Company, heretofore employed for said Road Improvement District, the same being made by the Aetna Casualty & Surety

Company and properly executed in the sum of Twenty-five Hundred Dollars (\$2500.00) and pray the approval of the court of same.

Respectfully submitted,

P. S. KINSWORTHY,
N. D. COOPER,
JOEL MILLS.

36 In the matter of ROAD IMPROVEMENT DISTRICT NO. SIX (6),
of Little River County, Arkansas.

Engineer's Bond.

Whereas, Park-s Engineering Co. of Pine Bluff, Arkansas, has been selected by the Board of Commissioners of Road Improvement District No. 6 of Little River County, Arkansas, as Engineer for said District, and

Whereas, the bond of said Parkes Engineering Co. has been fixed at the sum of \$2500.00, now, therefore, we the undersigned Park-s Engineering Co. as Principal, and *the* The Aetna Casualty and Surety Company as surety, do hereby acknowledge ourselves indebted to the Board of Commissioners of Road Improvement District No. 6 of Little River County, Arkansas, for the use and benefit of said District in the sum of \$2500.00, that the said Parkes Engineering Co. as engineer of said district will faithfully perform his duties as such Engineer.

Now, if the said Parkes Engineering Co. faithfully performs his duties as such Engineer, then this bond to become null and void, otherwise it is to remain in full force.

In witness whereof we hereunto set our hands on this the 15th day of May, 1918.

PARKES ENGINEERING COMPANY,
By W. J. PARKES,
Principal,

[SEAL]

THE AETNA CASUALTY AND
SURETY COMPANY,
By OMAR THROGMORTON,

Resident Vice President.

Attest:

FRANK L. MALEN,
Resident Assistant Secretary.

37 "Filed this the 10th day of May, 1918.

CHAS. H. PARK,
Clerk."

"Ex. & Bond approved 6/19/18.

LON T. JONES,
Co. Judge.

38

In the County Court of Little River County.

In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, Little River County.

Petition.

Come the Board of Commissioners in the above styled Road District and represent and show to the court that W. D. Waldrop, who was by order of this court appointed as one of the Board of Assessors for said Road District, has declined to serve as such Assessor and prays the court to appoint some other person to serve in his stead.

Respectfully submitted,

N. D. COOPER,
P. S. KINSWORTHY,
JOEL MILLS,
Commissioners.

"Filed this the 29th day of July, 1918.

CHAS. H. PARK,

Clerk.

JAS. H. WILLIAMS, D. C.

"Petition granted and C. E. May appointed as Assessor 7/29/18."

See Doc. at F/139.

39

In the Little River County Court.

In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, Little River County.

Oath of Assessors.

STATE OF ARKANSAS,

County of Little River.

We, the undersigned, C. E. May, A. N. Wood and B. S. Thrash, comprising the Board of Assessors for Road Improvement District No. 6 of Little River County, Arkansas, having been duly appointed as such by the County Court of Little River County, Arkansas, and having been directed by the President of the Board of Commissioners to meet on this the 29th day of July, 1918, do solemnly swear that we will support the Constitution of the United States, the Constitution of the State of Arkansas, and that we will well and truly assess the benefits to be received by each land owner by reason of the improvement as affecting the lands or other property in said district, so help us God.

Done at Ashdown, Arkansas, on this the 29th day of July, 1918.

C. E. MAY,
A. N. WOOD,
B. S. THRASH,

*Assessors of Road Improvement District
No. 6 of Little River County, Arkansas.*

Subscribed and sworn to before me on this the 29th day of July, 1918.

[SEAL.]

CHAS. H. PARK,
Clerk.

JAS. H. WILLIAMS, *D. C.*

Recorded in Record Book —, page —, County Court Records for Little River County, Arkansas, this the — day of —, 1918.

Clerk.

"Filed July 29th, 1918.

CHAS. H. PARK,

Clerk.

JAS. H. WILLIAMS, *D. C.*"

40 In the County Court of Little River County.

In the Matter of ROAD IMPROVEMENT DISTRICT No. Six, Little River County, Arkansas.

Order by President of Board of Commissioners Directing the Assessors to Assess Benefits.

To the Board of Assessors for Road Improvement District No. 6 of Little River County, Arkansas:

You are hereby directed and instructed to assess the benefits accruing to the several and particular tracts of land, and other real property in Road Improvement District No. Six of Little River County, Arkansas, in the assessment book in which appears a complete list of all lands in said district.

You are further instructed and directed to meet at the office of the Mayor in the Town of Ashdown, Arkansas, on the 29th day of July, 1918, and continue on said work until it is completed.

When said work is completed you will certify the same and deliver it to the Board of Commissioners of said District.

In Witness Whereof, I have hereunto set my hand on this the 18th day of July, 1918.

[SEAL.]

N. D. COOPER,

*Pres., President of Board of Commissioners of Road
Improvement Dist. No. 6, Little River County, Ark.*

"Filed July 18th, 1918.

CHAS. H. PARK,

Clerk."

41

In the Little River County Court.

In re ROAD IMPROVEMENT DISTRICT No. 6, Little River County,
Arkansas.

Petition for Order of Court to Direct Assessors to Assess Benefits.

Comes the Commissioners of Road Improvement District No. 6 in Little River County, Arkansas, and represents and shows to the court:

That A. H. Wood, W. D. Waldrup, and B. S. Thrash have been duly appointed as Assessors for Road Improvement District No. 6, and that an order should be made by this Court directing said assessors to meet and qualify within 30 days from this date, and that the President of the Board of Commissioners be directed to call said assessors together for said purpose.

Respectfully submitted,

P. S. KINSWORTHY,
JOEL MILLS,
N. D. COOPER,

Commissioners.

"Filed on this the 18th day of July, 1918.

CHAS. H. PARK,

Clerk.

JAS. H. WILLIAMS, D. C."

42

In the County Court of Little River County, Ark.

In the Matter of ROAD IMPROVEMENT DISTRICT No. Six, Little River
Co., Arkansas.

Report of Commissioners Transmitting Assessment of Benefits.

To Hon. Lon T. Jones, County Judge:

We, the undersigned, Commissioners for Road Improvement District No. Six of Little River County, Arkansas, transmit herewith the assessment of benefits as made and certified to by the Assessors of Road Improvement District No. 6 of Little River County, Arkansas, on the 31st day of July, 1918.

We ask that the same be filed and that an order be made and entered by this Court, directing that a date be fixed for a hearing on said assessment, and the Clerk of this Court be directed to give notice thereof.

This the 5th day of Aug. 1918.

Respectfully submitted,

N. D. COOPER,
President;
JOEL MILLS,
Secretary;

[SEAL.]

P. S. KINSWORTHY,
Board of Commissioners of Road Im-
provement District No. 6, Little River
County, Arkansas.

"Filed in open Court this 5th day of August, 1918.

CHAS. H. PARK,
Clerk.
W. J. DENSON,
D. C."

"Ex. & hearing fixed for Aug. 23, 1918, at 10 A. M.

LON T. JONES,
Co. Judge."

43

Notice.

In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, in Little River County, Arkansas.

Notice is hereby given, that the Board of Commissioners of Road Improvement District No. 6 of Little River County, Arkansas, has filed the assessment of benefits made against the several and particular tracts of land, railroads, and other real property in said district, as made by the assessors for said Dist., and that the following lands, railroads and other real estate are affected, to-wit:

The NW; the N $\frac{1}{2}$ of the NE and the SW of NE of Sec. 31; all of Sections 5, 6, 7, 18, 19 30 and the W $\frac{1}{2}$ of Section 4, Twp. 12 S. Range 29 West; all of sections 29, 30, 31, and 32; the W $\frac{1}{2}$ of Sections 28 and 33 and also that part of Sections 19 and 20 and the West Half of Section 21 lying on the right bank of and South of Little River in Twp. 11, S. Range 29 West. Also, all of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25 and the E $\frac{1}{2}$ of Sections 8 and 23 and the N $\frac{1}{2}$ of Section 16, in Twp. 12 South, Range 30 West. Also, all of Sections 25, 26, 27, 32, 33, 34, 35 and 36 and the South $\frac{1}{2}$ of Section 28 and all of Sections 23 and 24 lying on the right bank of and South of Little River in Township 11 South, Range 30 West. Also, all lots, blocks, additions or any other real property located in the towns of Wilton or Ashdown, within the above described territory. Also 9.7 miles of the main line and 1.68 miles of side track and the buildings of the Kansas City Southern Railway Company, situated within said district. And also,

44 5.5 miles of the pipe line and telegraph line of the Prairie Pipe Line Company; and also 9.7 miles of the Telegraph line of the Western Union Telegraph Company; and also, 9.7 miles of the line of the Southwestern Bell Telephone Company, situated within said district.

Now, therefore, all persons, firms or corporations owning land or other real property within the boundaries of said District are hereby warned and called upon to appear before this Court on the 23rd day of August, 1918, for the purpose of having any error adjusted or any wrongful or grievous assessment adjusted.

Given under my hand and seal as Clerk of the County Court of Little River County, Arkansas, on this the 5th day of August, 1918.

CHAS. A. PARK.

Clerk of the County Court of Little River County, Arkansas.

Proof of Publication.

STATE OF ARKANSAS,
County of Little River, ss:

I, O. T. Graves, do solemnly swear that I am Editor and Publisher of the Little River News; that the same is a Newspaper published and circulated in Little River County, Arkansas; that said paper has a bona fide circulation in said county, and has been regularly published therein for more than one month next preceding the first insertion of the notice and advertisement hereto annexed:

45 That said advertisement and notice has been published in the Little River News, weekly, for 3 consecutive weeks, to-wit: in the issues of said paper, dated August 7, 14, 21, 1918.

(Signed) O. T. GRAVES.

Sworn to and subscribed before me this 23 day of Aug. 1918.

R. E. HUDDLESTON,

Notary Public.

[SEAL.]

My commission expires Feb. 2, 1921.

Filed Aug. 23rd, 1918.

CHAS. H. PARK,

Clerk.

JAS. H. WILLIAMS,

D. C.

46 In the County Court, Little River County, State of Arkansas.

No. 1093.

In the Matter of the ROAD IMPROVEMENT DISTRICT for Improving a Certain Road from Ashdown to Mills Ferry, and Laterals.

Objections to the Assessment of Benefits Against the Property of the Kansas City Southern Railway Company and the Property of the Texarkana & Fort Smith Railway Company.

Come the undersigned, the Kansas City Southern Railway Company, and the Texarkana & Fort Smith Railway Company, and state their objections to the assessment of benefits against the property of the Kansas City Southern Railway Company and against the property of the Texarkana & Fort Smith Railway Company, or against the property of either of said companies.

This court, nor the Board of Assessors, nor the Board of Improvement have any right or power whatever to assess against the property of the Kansas City Southern Railway Company or against the property of the Texarkana & Fort Smith Railway Company, any benefits whatever for the construction of the improvement contemplated by the Improvement District or alleged improvement district of Little River County, known and designated as Road Improvement District No. Six of Little River County, State of Arkansas. The said The Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company come into
47 this court now and here and allege that the Board of Assessors and the Board of Improvement of said district and this court is without any power or authority whatever to levy and fix against the property of said railway companies, any assessments of any benefits whatever for the reasons named below.

1. The Texarkana & Fort Smith Railway Company is a railroad corporation organized and existing under the laws of the State of Texas, and owns and operates a line of railroad in the State of Texas, and owns a right of way and other real property in the county of Little River, State of Arkansas, and in connection with the Kansas City Southern Railway Company operates that part of the line of railroad known as the Fort Arthur route, which is located in the State of Texas. The Kansas City Southern Railway Company operates that part of the line of said railroad system which is located in the State of Arkansas, and also in other States, but does not operate in the State of Texas, the Texarkana & Fort Smith Railway Company being the sole operator in the State of Texas. In connection with each other, as above set forth, and in connection with other carriers, the said railroad companies operate a line of railroad from Kansas City to the Gulf of Mexico. The Kansas City Southern Railway Company is a railroad corporation organized and existing under the laws of the State of Missouri, and operates a line of railroad as above set forth. The said railroads are engaged in interstate commerce. At this time all of the property of said railroad companies is being operated by the United
48 States Government and all of the property of said companies is in the control and power and under the direction of the United States Government. Under the authority of the act of Congress, the United States Government, through the President and Director General of Railroads of the United States, took possession of the properties of the railroads, and has been operating the same since about the first day of January, 1918, and was operating the same at the time of the attempted formation of this road improvement district and is still operating the same and will continue to operate the same as said railroad companies believe, until the present war had come to an end. And these railroad companies have no power or authority in this matter to represent the Director General of Railroads, and the Director General of Railroads is a necessary party to this proceeding, and no benefits can be assessed against said property while in the possession and under the power

and control of the Government of the United States, as the same now under said Act of Congress. Therefore under said Act of Congress, placing railroads in the possession of the United States Government, there is no power or authority in this court, under the laws of the State of Arkansas, or the United States, to assess any benefits against the properties of the railroad companies.

2. The attempted assessment of benefits, under said Act 338 of the General Assembly of the State of Arkansas is an unreasonable and unlawful burden upon interstate commerce, as the said railroad companies are engaged in interstate commerce, and the assessment of said benefits is an unreasonable burden upon said commerce.

3. The said Road Improvement District is illegal and void for the following reasons:

(a). The original petition or petitions filed herein do not contain a majority either in number, acreage or value of the property owners in said district.

(b). The original petition contained therein sections 8, 17, 20 and 29 in Township 11 S. Range 29 West, and said sections were cut out illegally and unlawfully, thereby invalidating the legal existence of said district.

(c). Illegal and unlawful changes were made in the boundary of said improvement district.

(d). The roads attempted to be improved and described in said district are not public roads and are not roads, the improvement of which were intended to be made under Act 338 of the Acts of 1915.

(e). The descriptions and boundaries of said Improvement District are not the same as described in the petition as they are described in the notice of publication, and therefore said district is illegal and void, because of the mis-description of said district, as the same was published.

(f). The boundaries of said district are indefinite and uncertain, and therefore void and the description of the road and roads therein are also indefinite, uncertain and therefore void.

50 (g). The publication of the notice required before any order of the court could be made, on the subject of the formation of the district, was not had as required by law.

(h). The descriptions of the boundaries of the road improvement district as given in the notice are not the same as those in the original petition and in the court order.

(i). The alleged court order attempting to establish said district is illegal and void because there is no finding therein that the formation of the district would be for the best interests of the company and of the real property owners therein.

(j). The proceedings herein show that this alleged improvement district is organized for the purpose of building a road under the general law of the State of Arkansas authorizing the same by the county court, and therefore, said district is illegal and void, because the proceedings show an agreement or an attempted agreement between the commissioners herein and the county court, wherein a contract is attempted to be made for the construction of said road and turning the same over to the county. The substance and meaning of said agreement being that the county is constructing this road, and therefore said alleged district is illegal and void.

(k). The petitioners do not attach to the original petition a correct map of the roads and the improvement district such as is required by law, and therefore, the attempted organization is void.

4. The said railroad companies further state that this attempted assessment of benefits against the property of said railroad companies is in violation of section 1 of the 14th amendment of the Constitution of the United States in that said attempted assessment of benefits is taking the property of said railroad companies away from them, contrary to said section 1 of the 14th amendment to the Constitution of the United States. The said assessments are illegal and unlawful and deprive the said railroad companies of their property without due process of law, and deny to them the equal protection of the laws, contrary to section 1 of the 14th amendment of the Constitution of the United States.

5. The said railroad companies further state that they have a right of way through said alleged road improvement district amounting to approximately ten miles of railroad, and that the acreage of said right of way, including all real property owned by said railroad companies in said improvement district, amount to approximately 121.4 acres.

6. In said improvement district, including all the acreage there included there are approximately 44 sections of land making a total area of approximately 28,160 acres. The aggregate assessment of benefit in said Road Improvement Districts amounts to \$309,376.00. The aggregate assessment against these railroad companies amounts to \$67,900. The said railroad companies deny that they are benefited in any way whatever and allege that the district is illegal and cannot make any assessments against said railroad companies' property at all, but if they should be mistaken

that any assessment could be made, it could only be made upon an acreage basis, and therefore the railroad property should be assessed only in the proportion that 121.4 acres bears to 28,160 acres.

7. The said railroad companies further state that they will not be benefited in any way whatever by the construction of said highway by the Road Improvement District No. 6 referred to. The property of said railroad companies will not be enhanced or benefited in any manner and therefore the assessment of benefits against

said railroad property will be the taking of said railroad property without due process of law and contrary to the Constitution of Arkansas, and contrary to section 1 of the 14th amendment to the Constitution of the United States.

8. The defendants further state that the assessment of benefits amounting to \$67,900 is unreasonable, arbitrary, unjust and unlawful against the property of said railroad companies and contrary to the Constitution of the State of Arkansas, and the Constitution of the United States as above set forth.

Premises considered, the said the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company pray the Court to set aside and annul the assessment of benefits against the property of said railroad companies.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
By JAMES B. McDONOUGH,

Its Attorney.

THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,
By JAMES B. McDONOUGH,

Its Attorney.

53

Affidavit.

I, E. Phelps, Tax Commissioner of the Kansas City Southern Railway Company, on oath state that I am the Tax Commissioner of said company, and that the matters and things set forth in the above and foregoing objection are true so far as my personal knowledge goes, and to the best of my knowledge and belief, are true in all respects.

E. PHELPS.

Subscribed and sworn to before me this 23rd day of August, 1918.

[SEAL.]

JAS. H. WILLIAMS,
Notary Public.

My commission expires 12/31/21.

"Filed Aug. 23rd, 1918,
CHAS. H. PARK,
Clerk.
JAS. H. WILLIAMS,
D. C."

"Ex. & remonstrance overruled 8/23/18.
LON T. JONES,
Co. Judge."

54 In the County Court, Little River County, State of Arkansas,
No. 1093.

In the Matter of the ROAD IMPROVEMENT DISTRICT for Improving
a Certain Road from Ashdown to Mills Ferry, and Laterals.

*Appeal of the Kansas City Southern Railway Company and The
Texarkana & Fort Smith Railway Company.*

Come the Kansas City Southern Railway Company, and the
Texarkana & Fort Smith Railway Company, and hereby appeal
from the judgment of the county court herein, fixing the assessment
of benefits against the property of the Kansas City Southern Rail-
way Company and the Texarkana & Fort Smith Railway Company,
and said railroad companies appeal on the grounds set forth in the
written objections this day filed. The said railroad companies,
therefore, appeal from the order of the court assessing any benefits
against the property of either of said railroad companies, on the
following grounds, to-wit:

1.

The property of the Kansas City Southern Railway Company
and of the Texarkana & Fort Smith Railway Company is being
operated by the Government of the United States, and therefore
cannot now be taxed by the assessment of special benefits against
said property. This is more fully set forth in paragraph 1
55 of the objections of said railway companies to the assessment
of benefits, which is made part hereof.

2.

The attempted assessment of benefits under said Act 338 of the
General Assembly of the State of Arkansas is an unreasonable, and
unlawful burden upon interstate commerce and is in violation of
the Interstate Commerce Act of Congress.

3.

The said Road Improvement District is illegal and void for the
following reasons:

a. The original petition or petitions filed herein do not contain a
majority either in number, acreage or value of the property owners
in said district.

b. The original petition contained therein sections 8, 17, 20 and
29 in Township 11 S. Range 29 West, and said sections were cut
out illegally and unlawfully, thereby invalidating the legal exist-
ence of said district.

c. Illegal and unlawful changes were made in the boundary of said improvement district.

d. The roads attempted to be improved and described in said district are not public roads, and are not roads the improvement of which were intended to be made under Act 338 of the Acts of 1915.

56 e. The descriptions and boundaries of said improvement district are not the same as described in the petition as they are described in the notice of publication, and therefore, said district is illegal and void, because of the misdescription of said district, as the same was published.

f. The boundaries of said district are indefinite and uncertain, and therefore void and the descriptions of the road and roads therein are also indefinite, uncertain and therefore void.

g. The publication of the notice required before any order of the court could be made, on the subject of the formation of the district, was not had as required by law.

h. The description of the boundaries of the road improvement district as given in the notice are not the same as those in the original petition and the court order.

i. The alleged court order attempting to establish said district is illegal and void because there is no finding therein that the formation of the district would be for the best interests of the county and of the real property owners therein.

57 j. The proceedings herein show that this alleged improvement district is organized for the purposes of building a road under the general laws of the State of Arkansas and established the same by the county court, and therefore said district is illegal and void, because the proceedings show an agreement or an attempted agreement between the commissioners herein and the county court, wherein an agreement is attempted to be made for the construction of said road, and turning the same over to the county. The substance and meaning of said agreement being that the county is constructing this road, and therefore said alleged district is illegal and void.

k. The petitioners did not attach to the original petition a correct map of the roads and the improvement district such as is required by law, and therefore, the attempted organization is void.

4.

The attempted assessment of benefits against the property of said railroad companies, if permitted, will deprive said railroad companies of their property without due process of law, in violation of section 1 of the 14th amendment of the Constitution of the United States.

5.

The said attempted assessment of benefits is arbitrary and unreasonable and unjust for the further reason that said railroad companies own an acreage of real property in said district amounting approximately to 121.4 acres, whereas the total acreage in said district amounts to 28,160 acres approximately. This is such an unreasonable discrimination as makes said attempted assessment of benefits illegal and void, and contrary to the Constitution of the State of Arkansas and contrary to section 1 of the fourteenth amendment to the Constitution of the United States.

58

6.

The said attempted assessment of the total sum against all of the property amounts to \$309,376.00, and assesses benefits against the property of said railroad companies amounting to \$67,900. The said railroad companies are not benefited and their property is not benefited and this is therefore an illegal and unlawful discrimination against the property of the said railroad companies.

7.

The property of the said railway companies will not be benefited by the highway and improvement contemplated by said road improvement district No. 6, and therefore to assess any benefit against said property from said railway companies will take the property from said railway companies and use the same contrary to the constitution of the State of Arkansas, and contrary to section 1 of the 14th amendment of the Constitution of the United States.

8.

The assessment against the property of said railroad companies of a sum amounting to \$67,900 is unreasonable, arbitrary, unjust and unlawful and contrary to the constitution of the State of Arkansas and contrary to section 1 of the 14th amendment to the Constitution of the United States.

Premises considered the Kansas City Southern Railway Company, and the Texarkana & Fort Smith Railway Company pray that said appeal be granted as required by law.

59

THE KANSAS CITY SOUTHERN
RAILWAY CO.,

By JAMES B. McDONOUGH,

Its Attorney.

THE TEXARKANA & FORT
SMITH RAILWAY CO.,

By JAMES B. McDONOUGH,

Its Attorney.

60

Affidavit for Appeal.

I, E. Phelps, state on oath that I am the Tax Commissioner of the Kansas City Southern Railway Company and of the Texarkana & Fort Smith Railway Company, and I further state that I am authorized to make this affidavit and that the special matters appealed from herein are fully set forth in the above and foregoing prayer for appeal and I further state that the said The Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company nor either of them are benefited in any way by the construction of the highway contemplated by said Improvement District No. Six of Little River County, State of Arkansas, and therefore the said railroad companies pray an appeal and the facts set forth in the above and foregoing petition and prayer for appeal are true and this appeal is not taken for delay, but that justice may be done said railway company.

Affiant further states that he is familiar with the benefits that may or may not be received by said properties, and he has given the matter special study and in his opinion the said railroad property will not be benefited by the construction of said highway by said Road Improvement District No. 6.

E. PHELPS.

Subscribed and sworn to before me this 23 day of August, 1918.

[SEAL.]

JAS. H. WILLIAMS,

N. P.

My Commission expires 12/31/21.

"Filed Aug. 23rd, 1918.

CHAS. H. PARK,

Clerk.

JAS H. WILLIAMS,

D. C.

"Ex. & appeal granted 8/23/18.

LON T. JONES,

Co. Judge."

61 In the County Court of Little River County, State of Arkansas.

In the Matter of the ROAD IMPROVEMENT DISTRICT for Improving a Certain Road from Ashdown to Mills Ferry, and Laterals.

Appeal Bond.

We, the undersigned, undertake and bind ourselves to the Road Improvement District Number Six, of Little River County, Arkansas, agreeing to hold said Road Improvement District Number Six of Little River County harmless from the appeal taken by the Kansas City Southern Railway Company and the Texarkana & Fort

Smith Railway Company, in the event that the decree and the judgment of the County Court is affirmed. If the said The Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company shall make their appeal good, then this obligation shall be null and void, otherwise, the same shall remain in full force and effect.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
By JAMES B. McDONOUGH,
Its Attorney.

THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,
By JAMES B. McDONOUGH,
Its Attorney.

JAMES B. McDONOUGH, (*Surety.*)
E. PHELPS, (*Surety.*)

"Filed Aug. 23rd, 1918.

CHAS. H. PARK,

Clerk.

JAS. H. WILLIAMS,

D. C.

62

In the County Court of Little River County.

Certified Copy of Resolutions by the Board of Commissioners of Road Improvement District No. 6 of Little River County, Arkansas, Levying a Tax in said District for the Year of 1918.

"Resolved that a tax of three (3) per cent. be and the same is hereby fixed and levied upon the benefits and against the property within Road Improvement District No. 6 of Little River County, Arkansas, to be levied and collected by the Officers as provided by law against the property in said district for the year of 1918, due and payable as provided by law in the year of 1919. And the President and Secretary of this Board are hereby directed to file and certify this tax and resolution as provided by law."

Certificate.

STATE OF ARKANSAS,

County of Little River, ss:

We, the undersigned, President and Secretary of the Board of Commissioners of Road Improvement District No. 6 in Little River County, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed by said Board on the 30th day of August, 1918, and the same is herewith filed as required by law.

63 Given under our hands and the seal of said district on this the 31st day of August, 1918.

BOARD OF COMMISSIONERS ROAD
IMPROVEMENT DISTRICT NUMBER 6,

[SEAL.] By N. D. COOPER,
President.

Attest:

JOEL MILLS,
Secretary.

"Filed this the 31st, day of Aug., 1918.

CHAS H. PARK,
Clerk.

JAS. H. WILLIAMS,
D. C.

64 In the Matter of a ROAD IMPROVEMENT for Improving a Certain Road from Ashdown to Mills Ferry and Lateral.

Now on this day are presented to the Court the preliminary surveys, plans, specifications and estimates prepared by the State Highway Engineer of the road which is proposed to construct and improve within said district, and the same are on this day filed in open court.

"Proceedings of Feb. 2nd, 1918.
January Term 1918. "J" 465."

65 In the Matter of a Petition for a ROAD IMPROVEMENT DISTRICT to Improve the Public Roads from Ashdown to Mills Ferry and Laterals.

Feb. 25, 1918.

On this day is presented to the County Court of Little River County a Petition signed by Joel Mills, L. T. Greer and others, purporting to be a majority in land values, acreage or number of the land owners within certain territory described in said petition and praying that an improvement district be organized for the purpose of improving a certain public road described in said petition:

Beginning at a point on or near the east and west section line between Sec. 29 and 32 township 12 South, range 29 west, said point being 800 feet more or less east of the NW corner of section 32, township 12 south, range 29 west, and in or near the town of Ashdown; Thence meandering in a general northwesterly direction along the west right-of-way of the Kansas City Southern Ry. thru section- 29, 30, 19 and 18, township 12 South, range 29 west, thence east across said road, thence continuing in a Northwesterly direction along the east right-of-way of the Kansas City Southern Ry. thru section 18 township 12 south range 29 west, and section 13 township 12 south, range 30 west to a point on or near the east and west Sec-

tion line of Sections 12 and 13 township 12 South, Range 30 West; thence continuing east on or near the East and West section line between sections 12 and 13 to a point on or near the NW corner of Section 18 Township 12 South, Range 29 and 30 West, to a point on said range line 350 feet more or less north of the SW corner of section 30 township 11 south, range 29 West, thence continuing in a northwesterly direction, thence in a northeasterly direction, thence continuing north on range line between range 29 and 30 west. Above described road terminating at a point on the south bank of Little River, known as Mills Ferry.

Also a lateral road beginning at a point on the above described road, said point being on or near the NW corner of section 7, township 12 South, range 29 West, thence continuing in a western direction on or near the section line between sections 1 and 12, 2 and 11, 3 and 10, of a point on or near the NW corner of section 10, thence continuing in a northern direction on or near the west line of section 3, said road terminating at a point on or near the NW corner of section 3 township 12 south, range 30 west, above described roads being the present public roads throughout, there having been filed with said petition a plat on which the boundaries of said district are plainly indicated, and showing the road which it is intended to construct and improve; and said petition has been duly filed in this court; and at the same time there was a good bond, conditioned as required by law, and said bond is hereby approved.

And, it appearing that application was duly made to the State Highway Commission for preliminary plans and specifications of said improvement, as required by law, and that such preliminary plans, specifications and estimates were prepared in the manner required by law by the State Highway Commissioner and filed in this Court before any of the petitions for said improvement were circulated.

It is therefore ordered that on the 19th day of March, 1918, at 2 o'clock p. m. is fixed by this Court as the day on which the Court will hear parties who desire to show cause for or against the establishment of said district and the Clerk of this Court is ordered to publish the following notice in "The Little River News," a semi-weekly newspaper having a bona fide circulation in Little River County, Arkansas, by three consecutive insertions, the last to be not less than five days before the date of the hearing.

Notice.

Notice is hereby given that there has been filed in this Court a petition, signed by Joel Mills, L. T. Greer and others, purporting to be a majority in land value, acreage or number of land owners within a proposed road district embracing the following territory:

In Township 12 South, Range 29 West.

All of the NW $\frac{1}{4}$ of Section 31; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 31; all of sections 5, 6, 7, 8, 18, 19 and 30 and the W $\frac{1}{2}$ of Sections 4, 17, 20 and 29.

In Township 11 South, Range 29 West.

68 All of Sections 29, 30, 31 and 32; W $\frac{1}{2}$ of Sections 28 and 33, also right bank of Little River all of sections 19, 20 and the W $\frac{1}{2}$ of Section 21.

In Township 12 South, Range 30 West.

All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25 and the E $\frac{1}{2}$ of section- 8 and 23 and the N $\frac{1}{2}$ of section 16.

In Township 11 South, Range 20 West.

All of Sections 25, 26, 27, 33, 34, 35 and 36 and S $\frac{1}{2}$ of Section 28 and right bank of Little River all of sections 23 and 24.

Also all lots, blocks, additions or any other real property located in the towns of Wilton and Ashdown or any other towns located in the above described territory.

And praying the improvement of certain public road- from Ashdown to Mills Ferry and laterals.

And that a preliminary survey and estimates have been made by the State Highway Department, as required by law, and filed in this Court before said petition was circulated; and there was also filed with said petition a good bond, conditioned as required by law. Now, therefore, all persons, firms or corporations owning lands or other real property in the proposed district are hereby notified to appear before the County Court on the 19th day of March, 1918, at the hour of 2 o'clock p. m. to show cause for or against the establishment of said road improvement district.

LON T. JONES,
County Judge.

69 In re Petition ROAD IMPROVEMENT DIST. to Improve Public Roads, Ashdown to Mills Ferry and Laterals.

Order March 19th, 1918.

This being the day set by the Court for the hearing the petition in this matter for the formation of a Road Improvement District, in accordance with the petitions filed in this Court on the 25th day of Feby. 1918 and the matter coming on to be heard, the Court finds:

That proper notice has not been given of this hearing, as required by law, and that another date for the hearing of said matter should be set and had and that new notice should be given.

It is therefore, ordered by the Court that the 17th day of April, 1918, at 2 o'clock p. m. is fixed by the Court as the day on which the Court will hear all persons who desire to show cause for or against the establishment of said District and the Clerk of this Court is ordered to publish the following notice in the Little River News, a

weekly newspaper having a bona fide circulation in Little River County, Arkansas, by three consecutive insertions, the last to be no less than five days before the date of hearing, to-wit:

Notice.

Notice is hereby given: That there has been filed in this Court a petition signed by Joel Mills, L. T. Greer, et al. purporting to be a majority in land value, acreage or number of land owners within a proposed road district embracing the following territory, in Little River County, Arkansas, to-wit:

The NE $\frac{1}{4}$; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 31 all of Sec. 5, 6, 7, 8, 18, 19, and 30, and the W $\frac{1}{2}$ of Secs. 4, 17, 20 and 29 in Twp. 12 S. Range 29 West. All of Sections 29, 30, 31 and 32; the W $\frac{1}{2}$ of Section- 28 and 33, and also that part of Sections 19 and 20 and the West $\frac{1}{2}$ of Sec. 21 lying on the right bank of and South of Little River in Twp. 11 S. Range 30 West.

All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24, 25 and the E $\frac{1}{2}$ of Section- 8 and 23 and the N $\frac{1}{2}$ of Section 16 in Twp. 12 S. Range 30 West.

Also all of Section- 25, 26, 27, 32, 33, 34, 35 and 36 and the S $\frac{1}{2}$ of Section 28, and all of Sections 23 and 24, lying on the right bank of and South of Little River in Twp. 11 South, Range 30 West, and also, all lots, blocks, additions or any other real property located in the towns of Wilton or Ashdown or any other town located in the above described territory.

And praying the improvement of certain public roads from Ashdown through Wilton to Mills Ferry and laterals thereto; that preliminary survey and estimates have been made by the State Highway Department as required by law and filed in this Court before said petition was circulated, and there was also filed with said petition, a good bond, conditioned as required by law.

Now, therefore, all persons, firms or corporations owning lands or other real property in the proposed district are hereby notified to appear before the County Court on the 17th day of April 1918, at the hour of 2 o'clock p. m. to show cause for or against the establishment of said Road Improvement District.

LON T. JONES,

County Judge.

Proceedings of March 19th, 1918.
January Term 1918. "J" 481.

In re Petition ROAD IMPROVEMENT DIST. to Improve Public Roads, Ashdown to Mills Ferry and Laterals.

Order April 17, 1918.

This being the day set by the Court for the hearing of the petition in this matter for the formation of a Road Improvement District, in accordance with the petitions filed in this Court on the 25th day of February, 1918, and the matter coming on to be heard, the Court find

That proper notice has not been given of this hearing as required by law, and that another date for the hearing of said matter should be set and had and that new notice should be given.

It is therefore, ordered by the Court that the 14th day of May, 1918, at 2 o'clock p. m. is fixed by the Court as the day on which the Court will hear all persons who desire to show cause for or against the establishment of said District, and the Clerk of this Court is ordered to publish the following notice in the Little River News, a weekly newspaper having a bona fide circulation in Little River County, Arkansas, by three consecutive insertions, the last to be not less than five days before the date of hearing, to-wit:

Notice.

Notice is hereby given, that there has been filed in this Court a petition signed by Joel Mills, L. T. Greer, et al., purporting to be a majority in land value, acreage or number of land owners within a proposed road district embracing the following territory in Little River County, Arkansas, to-wit:

73 The NW $\frac{1}{4}$; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 31; all of Sec. 5, 6, 7, 8, 18, 19 and 20 and the W $\frac{1}{2}$ of Secs. 4, 17, 20 and 29 in Twp. 12 S. Rge. 29 West.

All of Sections 29, 30, 31 and 32; the W $\frac{1}{2}$ of Sections 28 and 33, and also that part of Section 19 and 20 and the West $\frac{1}{2}$ of Sec. 21 lying on the right bank and South of Little River in Twp. 11 S. Range 29 West.

All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25 and the E $\frac{1}{2}$ of Sections 8 and 23 and the N $\frac{1}{2}$ of Section 16, in Twp. 12 S. Range 30 West.

Also, all of Sections 25, 26, 27, 32, 33, 34, 35 and 36 and the S $\frac{1}{2}$ of Section 28, and all of Sections 23 and 24, lying on the right bank of and South of Little River in Twp. 11 South, Range 30 West.

And also, all lots, blocks, additions or any other real property located in the towns of Wilton or Ashdown or any other towns, located in the above described territory.

And praying the improvement of certain public roads from Ashdown through Wilton to Mills Ferry and laterals thereto; that a preliminary survey and estimates have been made by the State Highway Department as required by law and filed in this Court before said petition was circulated, and there was also filed with said petition, a good bond, conditioned as required by law.

Now, therefore, all persons, firms or corporations owning lands or other real property in the proposed district are hereby notified to appear before the County Court on the 14th day of May, 1918, at the hour of 2 o'clock p. m. to show cause for or against the establishment of said Road Improvement District.

LON T. JONES,

County Judge.

Proceedings of April 17th, 1918.

April Term 1918. "J" 500, 501 & 502.

75 In re ROAD IMPROVEMENT DISTRICT No. 6, Little River Co.

May 14, 1918.

This being the day heretofore fixed by the Court for the hearing of the petition of Joel Mills, et al., praying for the organization of the following described territory into a Road Improvement District under the provisions of Act No. 338 of the General Assembly of the year 1915, to-wit:

The NW $\frac{1}{4}$; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 31; All of Secs. 5, 6, 7, 8, 18, 19 and 30 and the west $\frac{1}{2}$ of Secs. 4, 7, 20 and 29 in Twp. 12, S. Range 29 W. All of Sections 29, 30, 31 and 32; the W $\frac{1}{2}$ of Sections 28 and 33, and also that part of sections 19 and 20 and the West $\frac{1}{2}$ of Sec. 21, lying on the right bank of and South of Little River, in Twp. 11 S. Range 29 West. All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 24 and 25 and the E $\frac{1}{2}$ of sections 8 and 23 and the N $\frac{1}{2}$ of section 16 in Twp. 12 S. Range 30 West. Also all of Sections 25, 26, 27, 32, 33, 34, 35 and 36 and the S $\frac{1}{2}$ of Section 28 and all of Sections 23 and 24, lying on the right bank of, and South of Little River in Twp. 11 S. Range 30 West.

Also, all lots, blocks, additions or any other real property located in the towns of Wilton or Ashdown or any other towns located in the above described territory.

76 And it appearing that after due and legal petitions filed with the State Highway Department for preliminary surveys, specifications, etc., said State Highway Department prepared preliminary plans, and they were duly filed in this Court, as required by law, before any petitions were circulated.

And it further appearing that due notice of the time, place and purpose of this hearing was given, for the time and in the manner prescribed by law, and was duly published, as required by law, and it further appearing that a petition has been duly filed herein, signed by a majority in acreage and in number of the owners of real property within said proposed district; and it further appearing that all persons who have any valid reason or desire to remove their names from said petition, have had an opportunity to do so, and none have been removed, and all persons who object to the formation of said District having been heard, as well as those who favor its formation, and the Court being sufficiently advised in the premises, it is found and declared that the petition aforesaid, signed by a majority in acreage and in numbers of the land holders within the proposed district, as shown by the assessment for the purpose of general taxation, in force in this County at this time, and the Court ascertains and declares that it is to the best interest of the County and for the land holders of said proposed district that the same be organized into a Road Improvement District under the

terms of the act aforesaid for the purpose of improving certain public roads in said district, described as follows, to-wit:

Beginning at a point on or near the East and West section line between Sections 29 and 32, Township 12 South, Range 29 West, said point being 800 feet more or less East of the NW corner of Section 32, Township 12 South, Range 29 West, and in or near the town of Ashdown, thence meandering in a general Northwest-ly direction along the West right-of-way of the Kansas City Southern Ry., through Sections 29, 30, 19 and 18, Township 12 South Range 29 West; thence East across said road; thence continuing in a Northwesterly direction along the East right-of-way of the Kansas City Southern Ry., through Section 18, Twp. 12 South, Range 29 West, and Section 13, Twp. 12 S. Range 30 W., to a point on or near the East and West section line between Section 12 and 13, Twp. 12 South, Range 30 West; thence continuing East on or near the East and West Section line between Sections 12 and 13 to a point on or near the NW corner of Section 18, Township 12 South, Range 29 and 30 West, to a point on said range line 350 feet, more or less, North of the SW corner of section 30, Twp. 11 South, Range 29 West; thence continuing in a Northwesterly direction; thence in a Northwesterly direction; thence continuing North on the range line between Range 29 and 30 West above described road terminating at a point on the South Bank of Little River, known as Mills Ferry. Also a lateral road beginning at a point on the above described road, said point being on or near the NW corner of section 7, Township 12 South, Range 29 West; thence continuing in a western direction on or near the section line between Sections 1 and 12, 2 and 11, 3 and 10 to a point on or near the NW corner of section 10; thence continuing in a Northern direction on or near the West line of Section 3, said road terminating at a point on or near the NW corner of Section 3, Twp. 12 South, Range 30 West.

And the Court further finds that the remonstrance of R. L. Johnson, et al., against including certain described lands within said district is without merit, and the same should be dismissed; and the Court further finds that Section 8 and the W $\frac{1}{2}$ of Sections 17, 20 and 29 in Township 12 South, Range 29 West, included in the territory described and set out in the original petition filed herein will not be benefited by reason of said proposed improvement to the extent that the same should be included within said district, and that said territory should not be included within said district.

The Court finds that a Board of Commissioners should be appointed for said Improvement District; and that said Commissioners should employ some competent engineer, other than the State Highway Engineer, to said State Department in the engineering work incident to the construction of said improvement; and that the bond of said engineers should be fixed at the sum of Twenty-five Hundred Dollars (\$2500.00).

It is therefore, considered, ordered, adjudged and decreed by the Court that the territory hereinabove described,—after eliminating therefrom Section 8 and the West Half of sections 17, 20 and 29 in Twp. 12 S. Range 29 W.—be established as Road Improvement District under the terms of said Act 338; and that said Improvement District shall be and exist under the name and style, "Road Improvement District No. 6 Little River County, Arkansas," and shall be a body politic corporate under said name, as provided in said Act.

It is further ordered that N. D. Cooper, Joel Mills and P. S. Kinsworthy, who are the owners of property in said district, and men of business ability, be appointed as Commissioners thereof; and that they proceed in accordance with law to construct the improvement therein.

Proceedings of May 14th, 1918.

April term "J" 511, 512, 513 & 514.

80 In re ROAD IMPROVEMENT DISTRICT No. 6, Little River County, Ark.

Comes on to be heard the report of the organization of the Board of Commissioners of Road Improvement District No. 6 in Little River County, Arkansas, and the Court after examining the same is of the opinion that said report should be approved.

It is therefore considered, ordered, adjudged and decreed by the Court that the report of the organization of the Board of Commissioners of said District be, and the same is hereby approved.

Proceedings of June 4, 1918.

April 1918 term. "J" 522.

81 In re ROAD IMPROVEMENT DISTRICT No. 6, Little River County.

Now on this day, being an adjourned day of the April Term 1918, of the Little River County Court, the report of the Commissioners of Road Improvement District No. 6 in Little River County, Arkansas, coming on to be heard, and it appearing that it is necessary and advisable to employ some other engineer than the State Highway Engineer for the purpose of acting as Engineer of said District; and it further appearing that the Parkes Engineering Company, competent engineers, have been selected as engineers for the District.

It is therefore considered, ordered, adjudged and decreed by the Court that the selection of the Parkes Engineering Company, as such Engineers, be, and the same are hereby, in all things approved and confirmed; and that the bond of said Engineering Company is hereby fixed at the sum of \$2500.00.

Proceedings of June 4, 1918.

April 1918 term. "J" 522.

In the Matter of ROAD IMPROVEMENT DIST. No. 6, of Little River Co.

Order on Engineer's Bond.

Now on this day, being a day of the County Court of Little River County, Arkansas, comes on to be heard for approval, the bond of the Parkes Engineering Company as Engineers for said Road Improvement District No. 6; and the Court finds that said bond is in proper form and executed by the Aetna Casualty & Surety Company in the sum of Twenty-five Hundred Dollars (\$2500.00) and should be approved.

It is therefore considered, ordered, adjudged and decreed by the Court that said bond as aforesaid be, and the same is hereby in all things approved and confirmed by the court.

Proceedings of June 19th, 1918.

April term, 1918. "J" 527.

3 In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, of Little River County.

Now on this day, being an adjourned day of the July term, 1918, of the Little River County Court, the report of the Commissioners for Road Improvement District No. 6 of Little River County, Arkansas, transmitting the Engineer's report, coming on to be heard, and upon consideration of said report and the plans, specifications and estimates of said Engineer's report, it is hereby approved by the Court.

It is therefore, ordered, adjudged and decreed by the Court that said engineer's report be and it is hereby approved by the Court.

And the Court finding that assessors for said District should be appointed at this time, and finding that W. D. Walrop, A. N. Wood and B. S. Thrash are land owners of real property within Little River County, Arkansas, and are qualified for assessors for said district, hereby appoints the said W. D. Waldrop, A. N. Wood and B. S. Thrash as assessors for said district.

Proceedings of July 18th, 1918.

July term, 1918. "J" 543.

84 In re ROAD IMPROVEMENT DISTRICT No. 6, of Little River County, Ark.

Whereas, the Court on this day has appointed a Board of Assessors for Road Improvement District No. 6 of Little River County, Arkansas, and,

Whereas the Board of Commissioners for said district have this day called upon this Court to enter an order directing the assessors for said district to assess the benefits accruing to the several and particular tracts of land in said district.

And it further appearing to the Court that said assessors should meet and qualify within 30 days from this date and proceed with the work of assessment when-ver called upon by the President of the Board of Commissioners for said district.

Now, therefore, W. D. Waldrop, A. N. Wood and B. S. Thrash are hereby directed and instructed to meet at a time and place to be fixed by the President of the Board of Commissioners for the purpose of making the assessment of benefits in accordance with law.

Proceedings of July 18th, 1918.

July term, 1918. "J" 544.

85 In the Matter of ROAD IMPROVEMENT DIST. No. 6, Little River County.

On this day comes on to be heard the petition of the Board of Commissioners in the above styled Road District to appoint an assessor of benefits to take the place of W. D. Waldrop, heretofore appointed, who has declined to serve and the Court finds that the petition should be granted and that C. E. May should be appointed in his stead.

It is therefore, ordered, adjudged and decreed that C. E. May, a landowner in Little River County, Arkansas, be appointed as a member of the Board of Assessors in Road Improvement District No. 6 in Little River County, Arkansas.

Proceedings of July 29th, 1918.

July Term, 1918. "J" 551.

86 In the Matter of ROAD IMPROVEMENT DIST. No. 6, Little River County.

Whereas, Road Improvement District No. Six, Little River County, Arkansas, has been created by order of the County Court; and

Whereas said Road Improvement District, through its commissioners, has made application to the State Highway Department for State and Federal aid for the purpose of completing said improvement contemplated by said District; and whereas the Constitution of the State of Arkansas provides that the County Court shall have exclusive original jurisdiction in all matters relating to Roads; and whereas, Section 9, Act 105 of the Acts of 1917, provides that no State or Federal aid shall be given to any Road Improvement District unless the Commissioners of said District levy a sufficient yearly tax to properly maintain the road or roads constructed by said District or, unless the County Court sets aside the Three Mill Tax or a sufficient amount thereof to properly maintain such Road or Roads to the satisfaction of State Highway Commission; and Whereas, the State Highway Commission has requested that this section of the State Law be complied with; and, whereas, it is the intention of the Commissioners of said District to complete said improvement as soon as

practicable and to turn the same back to the County upon its completion, which will be accepted by this Court when completed as a part of the County Highway System; Whereas, it appears to the Court that the Commissioners have passed a resolution to the effect that they will use all the money derived from all sources, in excess of the cost of the district for the purpose of maintaining said roads, and the Court being well and sufficiently advised does hereby pledge in good faith for and on behalf of the County the following:

That when said road is accepted by the County Court as a part of the general highways of said county, the Court pledges itself to maintain said road in a state of good repair either out of the general revenue of said County or out of the three mill road tax now authorized by law.

And the Court does of its own motion, hereby order and decree that the three mill tax name authorized by law derived from the property located within the boundaries of said District, be set aside and held for the purpose of maintaining said road as described in said Improvement District.

And it is further ordered and adjudged that so much of said three mill tax as is necessary will be spent for the proper maintenance of said Road and to the entire satisfaction of the State Highway Commission.

Proceedings of July 29th, 1918.

July Term "J" 550-551.

88 In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, Little River County, Arkansas.

On this day, August 5th, 1918, being an adjourned day of the regular July, 1918 term of this Court the Commissioner of Road Improvement District No. 6 of Little River County, Arkansas, having presented to the Court the assessment of benefits as made by the Board of Assessors of said District and called upon the Court to fix a date for a hearing on the assessment of benefits made against the lands and other real property assessed by the assessors of said District, and upon consideration of the same the Court hereby designated August 23rd, 1918 as a day for hearing all exceptions of persons, firms or corporations to said assessment of benefits.

And the Clerk of this Court is hereby ordered and directed to give notice of the filing of said assessment of benefits as required by Section 13 of Act No. 338 of the Acts of the General Assembly of the State of Arkansas for the year 1915, and of the date set by the Court to hear exceptions to said report of assessment of benefits.

Proceedings of August 5th, 1918.

July Term "J" 571.

89 In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, Little River County, Ark.

Order Approving and Confirming Assessment of Benefits.

On this the 23rd day of August, 1918, an adjourned day of the regular July 1918, term of the Little River County Court, and the day heretofore fixed and designated by the Court as a day to hear any and all complaints against the assessment of benefits made against the several and particular tracts of land and other real property in said district by the Assessors of said District come the Commissioners and Assessors for said District, in person and by their attorney, A. D. DuLaney and Geo. R. Steel, and ask that said assessment of benefits be approved and confirmed by the Court.

And appears the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company and files their joint objections to the assessment of benefits against their property. It appears to the Court that heretofore on the 5th day of August, 1918, the Board of Commissioners for said Road Improvement District No. 6 filed said assessment of benefits as made and certified by the assessors for said district as required by law, and that on the 5th day of August, 1918, an adjourned day of the July term, 1918, of this Court, this Court by proper order designated and fixed this day as a day for the hearing on the assessment of benefits made against the sev-

90 eral particular tracts of land and other property in said district. And it further appearing to the Court that the Clerk of this Court has caused public notice to be published that said assessment of benefits had been filed in this Court and calling upon all persons, firms and corporations and incorporated interests to appear before this Court for the purpose of having any error adjusted, or any wrongful or grievous assessment corrected, and said notice has been published for 2 consecutive insertions in the Little River News, a weekly newspaper having a general bona fide weekly circulation in Little River County, Arkansas, the second insertion of the same having been published more than 5 days prior to this date, as shown by the proof of publication filed herein on this date showing proof of publication of said notice for the time and in the manner required by law.

And the matter being presented to the Court upon the assessment of benefits so filed, the proof of publication filed herein, together with the other pleadings in said matter and a hearing upon the same and the Court having fully considered said assessment of benefits, and all matters relative thereon, finds that the lands and other real property in said district are greatly benefited by said improvement, and further finds that said assessments are justly and equitably made. And the Court hereby approves said assessment of benefits made against the several and particular tracts of land and other real property in said district and is of the opinion that said assessment of

benefits is fair, just and equal to all owners of real property in said district, and should be approved by the Court and specially find that the objection of the above named Railway companies be overruled and denied.

It is further considered, ordered and adjudged by the Court that the assessment of benefits made against the Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company and other corporate property within said district be approved and confirmed by the Court and the Clerk of this Court is hereby instructed and directed to spread the same upon Records as a permanent assessment roll for said district, and which assessment roll in words and figures as follows:

(Here follows full copy of assessment roll)

Notice of Assessors.

To A. N. Wood, C. E. May, B. S. Thrash, in Road Imp. Dist. No. 6, Little River County, Ark.

You have been appointed as a Board of Assessors of Benefits in Road Improvement Dist. No. 6 in Little River County, Ark., and you are hereby notified to meet in the Sanderson Building, in Ashdown, Ark., on the 29th day of July, 1918, at 9 o'clock a. m. and assess the benefits against the property in said District as provided by law.

This the 18th day of July, 1918.

[SEAL.]

N. D. COOPER,

*Pres. Board of Commissioners
Road Imp. Dist. No. 6.*

Proceedings of August 23rd, 1918.
July Term, 1918. "K" 8.

Assessment Record Road Improvement District No. 6.

In the Little River County Court.

In the Matter of ROAD IMPROVEMENT DIST. NO. 6, of Little River County.

We, A. N. Wood, B. S. Thrash and C. E. May, having been appointed by the Little River County Court on the 18th day of July, 1918, as assessors for Road Improvement District No. 6 of Little River County, Arkansas, to assess the benefits to be received by the several and particular tracts of land, railroads, tramroads and other real property within said Road Improvement District by reason of the construction of the road in said district, and after taking the oath of office, as prescribed by law for such assessors, report that we met in the office of the Mayor, in the Sanderson Building,

in Ashdown, Arkansas, on the 29th day of July, 1918, as requested and directed by the President of the Board of Commissioners, and we continued to meet from day to day, each successive day except Sunday until and including July 31, 1918, and we assessed the benefits we believe will accrue to the various tracts of land and railroad and other real property within said district by reason of the construction of the gravel road within said district.

Our assessment of benefits against the various, several and particular tracts of land, railroads and other real property within the District are set out on the following subjoined pages, numbered from One to Thirty-one inclusive in this book.

We believe that the assessment of benefits against the several and particular tracts of land, railroads and other real property, herein-after set out on pages 1 to 31 inclusive of this book, is fair, just and equitable to all owners of property assessed in the District, and should be adopted as the assessment of benefits in said District.

(Here follows description of property from assessment record and the assessment of benefits.)

Proceedings of August 23rd, 1918.

July Term, 1918. "K" 9.

95

In the Little River County Court.

In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, Little River Co., Arkansas.

Report of Assessors.

To the Board of Commissioners of Road Improvement Dist. No. 6, Little River County, Ark.:

In compliance with the order of the Little River County Court and your instructions of July 18th, 1918, relative to the assessment of benefits in Road Improvement District No. 6 of Little River County, Arkansas.

We the undersigned, heretofore duly appointed by the Judge of Little River County Court, as assessors for said Road Improvement District, beg leave to report as follows, to-wit:

We met at the office of the Mayor in the Town of Ashdown, Little River County, Arkansas, on the 29th day of July, 1918, having taken the oath of Assessors, prior to said time, and proceeded to assess the benefits against the several and particular tracts of land and other property on said Improvement District No. 6, and transmit said assessment of benefits herewith to you.

We believe said assessment, as hereinafter set out is fair, just and equal to all land owners in said district, and should be adopted as the assessment of benefits in said district, and we believe that no damages accrue to any property in said District by reason of said road improvement; and hence, assess no damages.

In witness whereof, we hereunto set our hands on this the
31st day of July, 1918.

[SEAL.]

A. N. WOOD,
C. E. MAY,
B. S. THRASH,

*Board of Assessors Road Improvement
District No. 6, Little River County, Ark.*

JOEL MILLS,
Secretary.

Filed with Board of Commissioners this 31st day of July, 1918
Proceedings of August 23rd, 1918.
July term, 1918, "K" 83-84.

In the County Court of Little River Co.
In re ROAD IMPROVEMENT DISTRICT No. 6, of Little River County.

Report of Commissioners Transmitting Assessment.

We, the undersigned, Commissioners for Road Improvement District No. 6, of Little River Co., Arkansas, transmit herewith the assessment of benefits as made and certified to by the Assessors of Road Improvement District No. 6 of Little River Co., Arkansas, on the 31st day of July, 1918.

We ask that the same be filed and that an order be made and entered by this court directing that a date be fixed for a hearing on said assessment, and that the Clerk of this Court be directed to give notice thereof.

Respectfully submitted,

N. D. COOPER,
President.

[SEAL]

JOEL MILLS,
Secretary.

P. S. KINSWORTHY,
*Members of Board of Commissioners of
Road Improvement Dist. No. 6, of
Little River County, Arkansas.*

This Aug. 5th, 1918.

Filed in open Court this the 5th day of August, 1918.

CHAS. H. PARK,
Clerk.

W. J. DENSON,
D. C.

The Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company jointly filed their petition, affidavit and bond for appeal to the circuit court and it is ordered that the same be granted as to the property embraced in their objections.

Proceedings of August 23rd, 1918.

July Term, 1918. "K" 34.

NOTICE TO ASSESSORS.

98

To A.M. Wood
C.E. May
B.S. Thrash

IN ROAD IMP. DIST. No. 6
LITTLE RIVER COUNTY, ARK.

You have been appointed as a Board of Assessors of Benefits in Road Improvement District No. 6 in Little River County, Ark.; and you are hereby notified to meet in the Sanders on Building, in Ashdown, Ark., on the 29th day of July, 1918, at 9 o'clock a.m. and assess the benefits against the property in said District as provided by law.

This the 18th day of July, 1918.

H. D. Cooper,
Pres. Board of Commissioners
Road Imp. Dist. No. 6.

Seal

ASSESSMENT RECORD ROAD IMPROVEMENT
DISTRICT NO. 6,-----

IN THE MATTER OF ROAD IMPROVEMENT
DISTRICT NO. 6, OF LITTLE RIVER
COUNTY, ----- ARKANSAS.

We, A. N. Wood, B. S. Thrash and C. E. May, having been appointed by the Little River County Court on the 18th day of July, 1918, as Assessors for Road Improvement District No. 6 of Little River County, Arkansas, to assess the benefits to be received by the several and particular tracts of land, railroads, tramroads and other real property within said Road Improve District and by reason of the construction of the road in said district, and after taking the oath of office, as prescribed by law for such assessors, report that we met in the office of the Mayor, in the Sanders on Building, in Ashdown, Arkansas, on the 29th day of July, 1918, as requested and directed by the President of the Board of Commissioners, and we continued to meet from day to day each successive day except Sunday, until and including July 31, 1918, and we assessed the benefits we believe will accrue to the various tracts of land and railroads and other real property within said district by reason of the construction of the gravel road within said district.

Our assessment of benefits against the various, several and particular tracts of land, railroads and other property within the District are set out on the following subjoined pages, numbered from one to Thirty-one inclusive in this book.

We believe that the assessment of benefits against the several and particular tracts of land, railroads and other real property, hereinafter set out on pages 1 to 31 inclusive of this book, is fair, just and equitable to all owners of property assessed in the district, and should be adopted as the assessment of benefits in said District.

| 100 SEC / TP / RG / AREA / ZONE / VAL / REM PER ACRE / REM PER TRACT. | | | | | | | | | |
|--|----|------|------|---------|-----|----------|---------|---|----------|
| W.L.Hedgecock Frl S E (S of River) | 19 | : 11 | : 29 | : 38.43 | : 2 | : 140.00 | : 10.00 | : | : 380.00 |
| P.S.Kinsworthy Frl S E | 20 | : | : | : 120. | : 4 | : 440.00 | : 6.00 | : | : 720.00 |
| P.C.Calhoun Frl S W | 20 | : | : | : 41 | : 3 | : 140.00 | : 8.00 | : | : 328.00 |
| R.A.Brown & Co. Frl NE SW | 21 | : | : | : 13.71 | : 4 | : 50.00 | : 6.00 | : | : 84.00 |
| R.A.Brown & Co. Frl SE SW | 21 | : | : | : 40. | : 4 | : 140.00 | : 6.00 | : | : 240.00 |
| Graysonia Ntl Lbr Co. Pt W $\frac{1}{2}$ SW | 21 | : | : | : 63.54 | : 4 | : 315.00 | : 6.00 | : | : 394.00 |
| Jas. M. Strange NW NW | 28 | : | : | : 40. | : 4 | : 140.00 | : 6.00 | : | : 240.00 |
| M. M. McGough SW NW | " | : | : | : 40. | : 4 | : 140.00 | : 6.00 | : | : 240.00 |
| Jeff Willis E $\frac{1}{2}$ NW | " | : | : | : 40. | : 4 | : 325.00 | : 6.00 | : | : 480.00 |
| H. M. McGough N $\frac{1}{2}$ SW | " | : | : | : 80. | : 4 | : 280.00 | : 6.00 | : | : 480.00 |
| W. J. Bogg S $\frac{1}{2}$ SW | " | : | : | : 80. | : 4 | : 280.00 | : 6.00 | : | : 480.00 |
| Jas. M. Strange N $\frac{1}{2}$ NE | 29 | : | : | : 80. | : 3 | : 280.00 | : 8.00 | : | : 640.00 |
| Jas. M. Strange SE NE | " | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : | : 320.00 |
| J. W. Wafer SW NE | " | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : | : 320.00 |
| H. M. McGough NE SE | " | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : | : 320.00 |
| Sarah Smith SE SE | " | : | : | : 40 | : 3 | : 170.00 | : 8.00 | : | : 320.00 |
| New James Still W $\frac{1}{2}$ SE | " | : | : | : 80. | : 3 | : 340.00 | : 8.00 | : | : 640.00 |
| W.L.Hedgecock Fr. N $\frac{1}{2}$ NW | " | : | : | : 66.45 | : 2 | : 230.00 | : 10.00 | : | : 660.00 |

101
SEC / TP / RG / AREA / ZONE / VAL / BEN PER ACRE / BEN PER TRACT.

| | | | | | | | | |
|---------------------------------------|----|------|------|----------|-----|----------|---------|-----------|
| W. L. Hedgecock SW NW | 29 | : 11 | : 29 | : 40. | : 2 | : 140.00 | : 10.00 | : 400.00 |
| J. W. Wafer SE NW | " | : | : | : 40. | : 2 | : 140.00 | : 10.00 | : 400.00 |
| J. W. Wafer Pt SW | " | : | : | : 80. | : 2 | : 360.00 | : 10.00 | : 800.00 |
| M. R. McDaniels S $\frac{1}{4}$ SW | " | : | : | : 80. | : 2 | : 340.00 | : 10.60 | : 800.00 |
| W. L. Hedgecock Frl NE | 30 | : | : | : 150.12 | : 2 | : 525.00 | : 10.00 | : 1500.00 |
| A. Goldsmith SE | " | : | : | : 160. | : 2 | : 640.00 | : 10.00 | : 1600.00 |
| J. W. Thompson Frl NW | " | : | : | : 52.17 | : 1 | : 220.00 | : 12.00 | : 524.00 |
| W. L. Hedgecock NE SW | " | : | : | : 40. | : 1 | : 160.00 | : 12.00 | : 480.00 |
| G. A. Hays SE SW | " | : | : | : 40. | : 1 | : 160.00 | : 12.00 | : 480.00 |
| G. A. Hays Frl. W $\frac{1}{4}$ SW | " | : | : | : 62. | : 1 | : 240.00 | : 12.00 | : 744.00 |
| Wm. Hawkins W $\frac{1}{4}$ NE | " | : | : | : 80. | : 2 | : 370.00 | : 10.00 | : 800.00 |
| J. H. Oliver Pt SE NE | " | : | : | : 20. | : 2 | : 100.00 | : 10.00 | : 200.00 |
| Wm Hawkins Pt SE NE | " | : | : | : 19. | : 2 | : 70.00 | : 10.00 | : 190.00 |

Joel Mills

Pt NE, described as follows: Commence at SW Cor. of SE NE Sec. 31. run E 69 1/7 yds; N 35 yds; W 138 2/7 yds. S 36 yds; E 69 1/7 yds to point of beginning

W. M. Hawkins

SW NE

Joel Mills

Pt SE

J. S. McDaniel

| | | | | | | | | |
|----|---|---|---|-------|-----|----------|---------|----------|
| 31 | : | : | : | : 40. | : 2 | : 140.00 | : 10.00 | : 400.00 |
| " | : | : | : | : 80. | : 2 | : 320.00 | : 10.00 | : 800.00 |

| | | | | | | | | | |
|--------------------------------------|----|--------|------|-----------|---|-----|-----------|---------|---------|
| M. R. McDaniels SW SE | 21 | : 11 : | 29 : | 40. | : | 2 : | 170.00 : | 10.00 : | 400.00 |
| G. A. Hays Fr. NE NW | " | : | : | : 41.37 : | : | 1 : | 140.00 : | 12.00 : | 492.00 |
| Ed Tannahill Fr. SE NW | " | : | : | : 41.37 : | : | 2 : | 180.00 : | 10.00 : | 410.00 |
| G. A. Hays Fr. NE NW | " | : | : | : 56.88 : | : | 1 : | 200.00 : | 12.00 : | 684.00 |
| Jeel Mills Fr. SE SW | " | : | : | : 80. : | : | 1 : | 320.00 : | 12.00 : | 960.00 |
| J. W. Pipkin Fr. NE SW | " | : | : | : 58.90 : | : | 1 : | 200.00 : | 12.00 : | 608.00 |
| W. L. Hedgecock Pt. NW SW (NW NW) | " | : | : | : 6. : | : | 1 : | 100.00 : | 12.00 : | 72.00 |
| W. J. Boggs SE SE | 32 | : | : | : 160. : | : | 4 : | 660.00 : | 6.00 : | 960.00 |
| Lock Still NE NE | " | : | : | : 80. : | : | 4 : | 400.00 : | 6.00 : | 480.00 |
| J. H. Andrews NE SE | " | : | : | : 80. : | : | 4 : | 400.00 : | 6.00 : | 480.00 |
| T. L. Hollowell NE NW | " | : | : | : 80. : | : | 3 : | 320.00 : | 8.00 : | 640.00 |
| J. B. Marling SE NW | " | : | : | : 80. : | : | 3 : | 320.00 : | 8.00 : | 640.00 |
| Jake Hill NE SW | " | : | : | : 80. : | : | 3 : | 300.00 : | 8.00 : | 640.00 |
| J. H. Andrews SE SW | " | : | : | : 40. : | : | 2 : | 140.00 : | 10.00 : | 400.00 |
| J. H. Andrews SW SW | " | : | : | : 40. : | : | 2 : | 140.00 : | 10.00 : | 400.00 |
| W. J. Boggs NE | 33 | : | : | : 320 : | : | 5 : | 1120.00 : | 4.00 : | 1280.00 |
| W. J. Boggs Fr. N.W. | 4 | : 12 : | 29 : | 154.89 : | : | 5 : | 600.00 : | 4.00 : | 620.00 |
| P. B. Neal Est NE SW | " | : | : | : 40. : | : | 5 : | 140.00 : | 4.00 : | 160.00 |
| Jacob Anderson SE SW | " | : | : | : 40. : | : | 5 : | 140.00 : | 4.00 : | 160.00 |

108

SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

Jacob Anderson

W¹/₄ SW

4 : 12 : 29 : 80. : 5 : 290.00 : 4.00 : 520.00

W. J. Boege

Fr. E¹/₄ NE

5 : 12 : 29 : 76.13 : 4 : 266.00 : 6.00 : 456.00

Craysonia M. Lbr. Co.

Fr. NW NE

" : : : 36.16 : 4 : 180.00 : 6.00 : 216.00

J. S. Walker Est.

Pt SW NE

" : : : 25. : 4 : 100.00 : 6.00 : 160.00

R. M. Hardy

E¹/₄ SE

" : : : 80. : 4 : 326.00 : 6.00 : 480.00

Louis McFaddin

Pt SW NE

" : : : 14.90 : 4 : 75.00 : 6.00 : 90.00

Joel Mills

NW SE

" : : : 40. : 3 : 160.00 : 8.00 : 320.00

Geo. Harris

SW SE

" : : : 40. : 3 : 200.00 : 8.00 : 320.00

Gra. Mash. Lbr. Co.

Fr. NE NW

" : : : 36.77 : 3 : 180.00 : 8.00 : 296.00

J. H. Parker

Fr. NW NW

" : : : 36.60 : 3 : 180.00 : 8.00 : 296.00

J. S. Walker

Pt. SE NW

" : : : 20. : 3 : 80.00 : 8.00 : 160.00

P. B. Neal Est.

Pt Se NW

" : : : 20.45 : 3 : 100.00 : 8.00 : 160.00

S. S. P. Mills

SW NW

" : : : 40.45 : 3 : 160.00 : 8.00 : 320.00

Joel Mills

NE SW

" : : : 40. : 3 : 160.00 : 8.00 : 320.00

Joel Mills

W¹/₄ NW SW

" : : : 20. : 3 : 80.00 : 8.00 : 160.00

P. B. Neal Est.

E¹/₄ NW SW

" : : : 20. : 3 : 70.00 : 8.00 : 160.00

T. B. DuLaney

SE SW

" : : : 40. : 3 : 200.00 : 8.00 : 320.00

T. B. DuLaney

SW SW

" : : : 40. : 3 : 200.00 : 8.00 : 320.00

J. M. Parker

Fr. NE NE

" : : : 28.03 : 3 : 160.00 : 10.00 : 280.00

| SEC / TP / PG / ANEA / ZONE / | VALUE | /SEE PER ACRE/SEE PER TRACT. |
|--|--|------------------------------|
| W. R. McDaniels NW NE | 6 : 12 : 29 : 40. : 2 : 140.00 : 10.00 | : 400.00 |
| D. R. Fawcett SE NE | " : : : 40. : 2 : 160.00 : 10.00 | : 400.00 |
| D. W. Wheeler SW NE | " : : : 40. : 2 : 200.00 : 10.00 | : 400.00 |
| D. W. Wheeler NE SE | " : : : 80. : 2 : 320.00 : 10.00 | : 800.00 |
| J. H. Barkman SE SE | " : : : 80. : 2 : 400.00 : 10.00 | : 800.00 |
| J. W. Thompson NE NW | " : : : 40 : 1 : 140.00 : 12.00 | : 480.00 |
| J. W. Thompson Fr. W ¹ NW | " : : : 42.76 : 1 : 240.00 : 12.00 | : 516.00 |
| A. B. Barkman Fr. SE SW | " : : : 36. : 1 : 175.00 : 12.00 | : 420.00 |
| D. W. Wheeler SE SE NW | " : : : 5. : 1 : 5.00 : 12.00 | : 60.00 |
| J. H. Barkman Pt NE SW being that part which is left after carving therefrom the following 2 tracts: | " : : : 76. : 1 : 500.00 : 12.00 | : 912.00 |
| M. E. Martin Fr 2 acres out of NE SW com- mencing at the SW corner of said tract and running East 69 2/3 yds. North 139 yds. to NE corner; west 69 2/3 yds. to NW corner; South 139 yds. to point of beginning | " : : : 2. : 1 : 30.00 : 12.00 | : 24.00 |
| Dock Still Pt NE SW more particularly described as follows: Beginning 140 yds N of SW corner of NE of SW run thence North 140 yds; East 70 yds; S 140 yds; W 70 yds. to point of beginning | " : : : 2. : 1 : 75.00 : 12.00 | : 24.00 |
| M. E. Martin Pt NW SW | " : : : 3. : 1 : 100.00 : 12.00 | : 36.00 |

105

SRC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

6 : 12 : 29 : 22.68 : 1 : 80.00 : 12.00 : 276.00

J. W. Thompson

Pt NW SW

C. N. & S. L. Cash

Pt NW SW more particularly

described as follows, to-wit:

Commence at a point 420 feet,

East and 30 ft. North of the

point where the NW SW inter-

sects the Range line between

Ranges 29 and 30; run thence

East 210 ft; North 420 ft;

West 210 ft; South 420 ft; to

point of beginning, being :

J. W. Pipkins

SW NW SW more particularly

described as follows: begin at

the SW corner of the NW SW, run

thence East 210 ft; North 240 ft.

to pt. of beginning; East 210 ft.

North 400 ft; SW 325 ft; S 264 ft.

to point of beginning :

Begin 69 2/3 yds from SW corner

of SW SW, run thence North

69 2/3 yds; East 69 2/3 yds;

S. 69 2/3 yds; thence West to

point of beginning. Beginning at

the SW corner of the NW SW; run

thence N. to the length of 2 acres;

East the length of 1 acre; South

the length of 2 acres, to pt. of

beginning, containing in all :

M. E. Martin

Pt SW SW

M. G. Hallett

Pt SW SW

J. H. Barkman

Pt SW SW

72.00

108.00

12.00

12.00

12.00

12.00

12.00

12.00

12.00

12.00

250.00

90.00

25.00

25.00

25.00

1

1

1

1

1

5.62

9.

1.

1.

1.

1

1

1

1

1

12.00

12.00

12.00

12.00

12.00

250.00

90.00

25.00

25.00

25.00

1

1

1

1

1

12.00

12.00

12.00

12.00

12.00

R. M. & H. M. Dunn

SE SW more particularly described as follows, to-wit: Commence at the SE corner of run thence West 40 rods North 40 rods; East 40 rods; South 40 rods, to point of beginning, containing

| | | | | | | | | | | | | | | |
|---|---|----|---|----|---|-----|---|---|---|--------|---|-------|---|--------|
| 6 | : | 12 | : | 29 | : | 10. | : | 1 | : | 250.00 | : | 12.00 | : | 120.00 |
|---|---|----|---|----|---|-----|---|---|---|--------|---|-------|---|--------|

Horace Dangler
Pt SW SW more particularly
described as follows, to-wit:
Begin at a point 85 ft. North of
Cross of Fourth and Cleveland
Streets in the Town of Wilton;
run thence North 105 ft.; thence
East 210 ft.; thence South 105 ft.;
thence West 210 ft. to point of
begin

| | | | | | | | | |
|---|---|---|---|-------|---|-------|---|------|
| 1 | : | 1 | : | 25.00 | : | 12.00 | : | 6.00 |
|---|---|---|---|-------|---|-------|---|------|

S. C. Fallensby

NE

John Davis

SEE NE

P. ROWAN

32

J. E. Smith

AN EN 31

J. M. Vealey

Pt NW NW more particularly described as follows, to-wit: commence at corner of Fourth & Cleveland Sts. in Wilton, run thence East 350 ft; thence North 400 ft; thence West 350 ft; thence South on Range line between Secs. 20 & 21

29 & 30
Also - Begin at SE corner of Block
24 in Town of Wilton; run thence East
to Boundary line of the NW; thence

| | | | | | | | | |
|---|---|---|---|-------|---|-------|---|-------|
| g | : | 1 | : | 30.00 | : | 12.00 | : | 36.00 |
|---|---|---|---|-------|---|-------|---|-------|

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SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

S.480 ft; thence West 705 ft; thence N.480 ft. to point of beginning, being

7 : 12 : 29 : 2 : 1 : : :

J. E. Smith

NE pt NW NW more particularly described as follows: Commence at the NW corner of the NE NW 7-12-29; run thence S.2 acres un length; thence East 2 $\frac{1}{2}$ acres in length; thence North 2 $\frac{1}{2}$ acres in length; thence West 2 $\frac{1}{2}$ acres in length to point of beginning:

: : 2 : 1 : 20.00 : 12.00 : 24.00

J. M. Vesley

Commence at the NW corner of the NE NW 7-12-29, run thence West 100 yds; thence S.110 yds. thence East 100 yds; thence North 110 yds. to point of beginning

J. M. Vesley

Pt NW NW more fully described as follows, to-wit: Commence at NE corner of said NW NW 7-12-29; run thence South 330 ft to point of beginning; run thence west 330 ft to a point; thence south 286.5 ft. to a point; thence West 405 ft. to a point; thence South 360 ft to a point; thence East 705 ft to a point; thence North along the East line of said NW NW 646.5 ft to point of beginning

: : 14.66: 1 : 150.00 : 12.00 : 180.00

Witten

NW NW

School Dis. No. 6

Pt SW NW

Allen Scott

| | 109 | | | | | | | |
|----------------------------------|-----|----|----|--------|------|--------|--------------|----------------|
| | SEC | TP | RG | AREA | ZONE | VALUE | BEN PER ACRE | BEN PER TRACT. |
| Miss Ada Mills | 18 | 12 | 29 | 80.00 | 2 | 400.00 | 10.00 | 800.00 |
| N ¹ / ₄ NE | " | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |
| Miss Ada Mills | " | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |
| S ¹ / ₄ NE | " | : | : | 40. | 2 | 200.00 | 10.00 | 400.00 |
| Miss Ada Mills | " | : | : | 40. | 2 | 160.00 | 10.00 | 400.00 |
| N ¹ / ₄ SE | " | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |
| Miss Ada Mills | " | : | : | 143.08 | 1 | 715.00 | 12.00 | 1716.00 |
| N ¹ / ₄ NW | " | : | : | 40. | 1 | 200.00 | 12.00 | 480.00 |
| Miss Sda Mills | " | : | : | 25. | 1 | 100.00 | 12.00 | 300.00 |
| N ¹ / ₄ SW | " | : | : | 4.82 | 1 | 25.00 | 12.00 | 60.00 |
| Miss Ada Mills | " | : | : | 40. | 1 | 160.00 | 12.00 | 480.00 |
| Pt NW SW | " | : | : | 14.91 | 1 | 75.00 | 12.00 | 180.00 |
| Miss Ada Mills | " | : | : | 14.91 | 1 | 75.00 | 12.00 | 180.00 |
| N ¹ / ₄ NE | 19 | 12 | 29 | 80. | 2 | 400.00 | 10.00 | 800.00 |
| A. C. Stephens | " | : | : | 40. | 2 | 200.00 | 10.00 | 400.00 |
| A. C. Stephens | " | : | : | 40. | 2 | 200.00 | 10.00 | 400.00 |
| A. C. Stephens | " | : | : | 40. | 2 | 150.00 | 10.00 | 400.00 |
| N ¹ / ₄ SE | " | : | : | 40. | 2 | 150.00 | 10.00 | 400.00 |
| A. C. Stephens | " | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |
| N ¹ / ₄ SE | " | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |
| W. E. Kinworthy | " | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |

| SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT. | | | | | | | | | |
|---|----|------|------|---------|-----|----------|---------|---|--------|
| Mrs. Amelia Sykes | 9 | : 12 | : 29 | : 59.01 | : 1 | : 300.00 | : 12.00 | : | 708.00 |
| Fr. W ₁ NW | " | : | : | : | : | : | : | : | : |
| Huckins & Ross | " | : | : | : 40. | : 1 | : 200.00 | : 12.00 | : | 480.00 |
| NE SW | " | : | : | : | : | : | : | : | : |
| A. B. Bishop | " | : | : | : 28.18 | : 1 | : 120.00 | : 12.00 | : | 336.00 |
| Fr NW SW | " | : | : | : | : | : | : | : | : |
| A. B. Bishop | " | : | : | : 40. | : 1 | : 200.00 | : 12.00 | : | 480.00 |
| SE SW | " | : | : | : | : | : | : | : | : |
| Huckins & Ross | " | : | : | : 28.18 | : 1 | : 120.00 | : 12.00 | : | 336.00 |
| Fr SW SW | " | : | : | : | : | : | : | : | : |
| J. T. Cowling | 30 | : 12 | : 29 | : 40. | : 2 | : 200.00 | : 10.00 | : | 400.00 |
| NE NE | " | : | : | : | : | : | : | : | : |
| J. T. Cowling | " | : | : | : 40. | : 2 | : 200.00 | : 10.00 | : | 400.00 |
| SE NE | " | : | : | : | : | : | : | : | : |
| J. T. Cowling | " | : | : | : 80. | : 1 | : 400.00 | : 12.00 | : | 960.00 |
| NE NE | " | : | : | : | : | : | : | : | : |
| Ark Trust & Bkng Co | " | : | : | : 20. | : 2 | : 80.00 | : 10.00 | : | 200.00 |
| SE NE SE | " | : | : | : | : | : | : | : | : |
| Ark Trust & Bkng Co | " | : | : | : 20. | : 2 | : 100.00 | : 10.00 | : | 200.00 |
| W ₁ NE SE | " | : | : | : | : | : | : | : | : |
| Ark Trust & Bkng Co. | " | : | : | : 40. | : 1 | : 200.00 | : 12.00 | : | 480.00 |
| NW SE | " | : | : | : | : | : | : | : | : |
| A. J. Kizer | " | : | : | : 80. | : 1 | : 800.00 | : 12.00 | : | 960.00 |
| S ₁ SE | " | : | : | : | : | : | : | : | : |
| J. T. Cowling | " | : | : | : 40.39 | : 1 | : 200.00 | : 12.00 | : | 480.00 |
| Fr. NE NW | " | : | : | : | : | : | : | : | : |
| Ark Trust & Bkng Co. | " | : | : | : 40.38 | : 1 | : 160.00 | : 12.00 | : | 480.00 |
| Fr. SE NW | " | : | : | : | : | : | : | : | : |
| J. T. Cowling | " | : | : | : 30.67 | : 1 | : 150.00 | : 12.00 | : | 372.00 |
| E of RR Fr W ₁ NW | " | : | : | : | : | : | : | : | : |
| J. T. Cowling | " | : | : | : 25. | : 1 | : 125.00 | : 12.00 | : | 300.00 |
| W of RR Fr W ₁ NW | " | : | : | : | : | : | : | : | : |
| Ark Trust & Bkng Co. | " | : | : | : 40. | : 1 | : 160.00 | : 12.00 | : | 480.00 |
| NE SW | " | : | : | : | : | : | : | : | : |
| O. Harris | " | : | : | : 53.92 | : 1 | : 180.00 | : 12.00 | : | 648.00 |
| Fr ₁ W ₁ SW | " | : | : | : | : | : | : | : | : |
| L. Compton | " | : | : | : 40. | : 1 | : 200.00 | : 12.00 | : | 480.00 |
| SE SW | " | : | : | : | : | : | : | : | : |

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SEC / TP / RG / AREA / ZONE / VALUE/BEN PER ACRE/BEN PER TRACT.

A. J. Kiser

M¹/₄ NW

Lucy Waddell

Pt SW NE more fully described. Begin 50 ft North from the North side of R/W of A & C Ry. for SW corner of NE 31-12-29 run thence North on a line between SW and NE of said sec 31 and SE NW of said Sec 31, to NW corner of SW NE Sec 31; thence in a Southeasterly direction along with Western line of land heretofore conveyed by E.F. Friedell to Roehelle & Whittaker, to a stake wit in 50 ft of North side of R/W of A & C Ry; thence West to point of beginning

Mrs. A. M. Cook

Pt SW NE

St. L. & SF. RY. CO.

Pt SW NE more fully described as follows: Begin at the NW corner of the SW NE 31-12-29 run thence East along the line of said SW NE 1211 ft to a point, said point being the intersection of said North line of the SW NE with the Western line of the R/W of Kansas City Southern Railway. South 410¹/₂ ft; thence East 804 ft. to a point; thence south 49¹/₂ ft. West 986.5 ft. to a point, being intersection of said last

31 : 12 : 29 : 80.00 : 1 : 1000.00 : 12.00 : 960.00

" : : : 10. : 1 : 150.00 : 12.00 : 120.00

" : : : 10. : 1 : 150.00 : 12.00 : (Double Assmt) 180.00

" : : : 1. : 1 : 300.00 : 12.00 : 12.00

thence West along said North line 338 ft. to a point; thence North 28 West 1365.56 ft. to a point, said point being the intersection of said last mentioned line with the West line of the SW NE of said Sec. 31; thence North along said West line of SW NE, 66 ft West; to point of beginning

| | | | | | | | | |
|-------------------|----|----|----|--------|---|--------|-------|--------|
| Ed J. Cheever Est | 31 | 12 | 29 | 29. | 1 | 290.00 | 12.00 | 349.00 |
| Pr. NE NW | " | : | : | 39.88 | 1 | 400.00 | 12.00 | 480.00 |
| Pr. SE NW | " | : | : | 39.88 | 1 | 400.00 | 12.00 | 480.00 |
| Ed J. Cheever Est | " | : | : | 52.42 | 1 | 500.00 | 12.00 | 624.00 |
| Pr. NE NW | 23 | 11 | 30 | 5.16 | 4 | 25.00 | 6.00 | 30.00 |
| Lee Nelson | " | : | : | 104.41 | 3 | 520.00 | 8.00 | 832.00 |
| Pr. SE | " | : | : | 9.29 | 4 | 45.00 | 6.00 | 54.00 |
| Lee Nelson | " | : | : | 2.53 | 4 | 10.00 | 6.00 | 18.00 |
| Pr. SE NW | " | : | : | 72.65 | 4 | 220.00 | 6.00 | 438.00 |
| Lee Nelson | 24 | 11 | 30 | 76.38 | 1 | 310.00 | 12.00 | 912.00 |
| P. S. Kinsworthy | 25 | 11 | 30 | 73.72 | 1 | 300.00 | 12.00 | 888.00 |
| Pt. SE SW | " | : | : | 49.44 | 1 | 245.00 | 12.00 | 588.00 |
| Toney Harden | " | : | : | 80. | 1 | 280.00 | 12.00 | 960.00 |
| Pr. All | " | : | : | 76.50 | 1 | 280.00 | 12.00 | 924.00 |
| R. L. Johnson | | | | | | | | |
| Pr. NE NE | | | | | | | | |
| E. J. French | | | | | | | | |
| Pr. NE NE | | | | | | | | |
| Amelia Sykes | | | | | | | | |
| Pr. SE | | | | | | | | |
| Joe Clevers | | | | | | | | |
| Pt. NE SE | | | | | | | | |

| SEC | / TP / | RG / | AREA | /ZONE/ | VALUE | /BEN PER ACRE/BEN PER TRACT |
|---|--------|--------|---------|--------|----------|-----------------------------|
| Mrs S. S. P. Mills | 25 | : 11 : | 30 : | : | : | : |
| Fri SE SE SW SE more particularly described as follows, to-wit: Begin at a point 20 ft North of the SW Corner of the SW SE 25-11-30; run thence North 298 ft; thence West 250 ft; thence South 298 ft; thence East 520 ft to the point of beginning | : | : | 3.50 : | 1 : | 15.00 : | 12.00 : 48.00 |
| E. J. French | " | : | 65.60 : | 2 : | 325.00 : | 10.00 : 660.00 |
| E $\frac{1}{2}$ NW | " | : | 22.85 : | 2 : | : | : |
| NW NW | " | : | 40. : | 2 : | 200.00 : | 10.00 : 400.00 |
| W. D. Waldrop | " | : | 40. : | 2 : | 200.00 : | 10.00 : 400.00 |
| W. D. Waldrop | " | : | 40. : | 2 : | 200.00 : | 10.00 : 400.00 |
| SW SW | " | : | 80. : | 2 : | 350.00 : | 10.00 : 800.00 |
| Joe Clevers | 26 | : 11 : | 30 : | 3 : | 400.00 : | 8.00 : 632.00 |
| W. D. Waldrop | " | : | 80.03 : | 3 : | 400.00 : | 8.00 : 640.00 |
| Fri E $\frac{1}{2}$ NE | " | : | 80. : | 3 : | 400.00 : | 8.00 : 320.00 |
| D. B. Smith Est | " | : | 40. : | 3 : | 160.00 : | 8.00 : 320.00 |
| Fri W $\frac{1}{2}$ NE | " | : | 40. : | 3 : | 200.00 : | 8.00 : 320.00 |
| W. D. Waldrop | " | : | 40. : | 4 : | 140.00 : | 6.00 : 240.00 |
| E $\frac{1}{2}$ SE | " | : | 40. : | 4 : | 160.00 : | 6.00 : 240.00 |
| D. B. Smith Est | " | : | : | : | : | : |
| NW SE | " | : | : | : | : | : |
| W. D. Waldrop | " | : | : | : | : | : |
| W. SW SE | " | : | : | : | : | : |
| Mills & Son | " | : | : | : | : | : |
| NE NW | " | : | : | : | : | : |
| D. B. Smith Est | " | : | : | : | : | : |

| SEC / TP / R3 / AREA / 3086 / VALUE / RBN PER ACRE / BEN PER TRACT. | | | | | | | | | |
|---|--------|------|------|----------|-----|----------|--------|----------|--|
| W. H. Crawford N $\frac{1}{2}$ SW | : 26 : | 11 : | 30 : | 80. : | 4 : | 280.00 : | 6.00 : | 480.00 : | |
| Angie Fisher SE SW | : | : | : | 40. : | 4 : | 150.00 : | 6.00 : | 240.00 : | |
| U. S. SW SW | : | : | : | 40. : | 4 : | : | : | : | |
| Mills & Son Frl NE | : 27 : | 11 : | 30 : | 156.21 : | 4 : | 560.00 : | 6.00 : | 936.00 : | |
| Mills & Son N $\frac{1}{2}$ SE | : | : | : | 80. : | 3 : | 280.00 : | 8.00 : | 640.00 : | |
| D. A. Higdon SE SE | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |
| W. L. Hedgecock SW SE | : | : | : | 40. : | 3 : | 140.00 : | 6.00 : | 480.00 : | |
| S. S. P. MILLS & Son Frl N $\frac{1}{2}$ NW | : | : | : | 80.20 : | 4 : | 280.00 : | 6.00 : | 480.00 : | |
| Wm Duncan S $\frac{1}{2}$ NW | : | : | : | 80. : | 4 : | 400.00 : | 6.00 : | 480.00 : | |
| Mills & Son NE SW | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |
| M. B. Conaster NW SW | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |
| N. F. Heck S $\frac{1}{2}$ SW | : | : | : | 80. : | 3 : | 280.00 : | 8.00 : | 640.00 : | |
| M. B. Conaster E $\frac{1}{2}$ SE | : 28 : | 11 : | 30 : | 80. : | 3 : | 280.00 : | 8.00 : | 640.00 : | |
| K. A. Hargrove NW SE | : | : | : | 40. : | 3 : | 120.00 : | 8.00 : | 320.00 : | |
| W. C. Johnson SW SE | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |
| K. A. Hargrove N $\frac{1}{2}$ SW | : | : | : | 80. : | 4 : | 240.00 : | 6.00 : | 480.00 : | |
| Cam E. Gist SE SW | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |
| Grover Pipkin SW SW | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |
| Grover Pipkin NE NE | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | 320.00 : | |

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| | SEC | TP | RG | AREA | ZONE | VALUE | PER ACRE | PER TRACT. |
|--------------------------|-------|----|----|------|------|--------|----------|------------|
| Miss Ada Mills | SE | 11 | 30 | 40. | 3 | 140.00 | 8.00 | 320.00 |
| SE NE | | | | | | | | |
| Ark Con Co. | NW | | | 40. | 4 | 140.00 | 6.00 | 240.00 |
| NW NE | | | | | | | | |
| Unknown | SW | | | 40. | 4 | 140.00 | 6.00 | 240.00 |
| SW NE | | | | | | | | |
| B. E. German | SE | | | 160. | 3 | 560.00 | 8.00 | 1280.00 |
| SE | | | | | | | | |
| Mrs C. B. Coleman | NE | | | 40. | 4 | 120.00 | 6.00 | 240.00 |
| NE NW | | | | | | | | |
| Ark Con Co | SE | | | 40. | 4 | 140.00 | 6.00 | 240.00 |
| SE NW | | | | | | | | |
| Mrs C. B. Coleman | NW | | | 40. | 5 | 120.00 | 4.00 | 160.00 |
| NW NW | | | | | | | | |
| Mrs C. B. Coleman | SW | | | 40. | 4 | 120.00 | 6.00 | 240.00 |
| SW NW | | | | | | | | |
| Joel Mills | NE | | | 40. | 4 | 120.00 | 6.00 | 240.00 |
| NE SW | | | | | | | | |
| D. B. Smith | NW | | | 40. | 4 | 140.00 | 6.00 | 240.00 |
| NW SW | | | | | | | | |
| D. B. Smith | SE | | | 80. | 4 | 280.00 | 6.00 | 480.00 |
| SE SW | | | | | | | | |
| J. T. Harding | NE | 11 | 30 | 40. | 2 | 140.00 | 10.00 | 400.00 |
| NE NE | | | | | | | | |
| J. T. Harding | Pt SE | | | 37. | 2 | 130.00 | 10.00 | 370.00 |
| Pt SE NE being that part | | | | | | | | |
| of said section after | | | | | | | | |
| carving therefrom | | | | | | | | |
| School Dist # 3 | | | | | | | | |

Pt SE NE more particularly described as follows: Commence at the SW corner of the SE NE 33-11-30; run thence North 105 yds. thence East 105 yds. thence South 105 yds. thence West 105 yds. to point of beginning.

Cann. W. Giese

| | | | | | | | | | |
|----------------|-------------------|----|----|----|-------|-------|--------|-------|--------|
| J. W. Pipkin | SW SE | 25 | 11 | 20 | 40. | 2 | 140.00 | 10.00 | 400.00 |
| Ark. & Bnkg Co | NW SE | | | | 40. | 1 | 140.00 | 12.00 | 480.00 |
| Unknown | SE SE | | | | 40. | 1 | 140.00 | 12.00 | 480.00 |
| H. Graves | Pt NW SE | | | | 40. | 1 | 140.00 | 12.00 | 480.00 |
| A. L. Cathey | SW SE (S of Ry) | | | | 31.19 | 1 | 110.00 | 12.00 | 372.00 |
| D. A. Higdon | SW SE (N of Ry) | | | | 8.81 | 1 | 30.00 | 12.00 | 96.00 |
| Con E. Gist | E ¹ N | | | | 80. | 2 1/2 | 280.00 | 9.00 | 72.00 |
| Grover Pipkin | NW-NW | | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| Ada Mills | SW NW | | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| W. H. Graves | NE SW | | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| A. L. Cathey | SE SW | | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| S. J. McGough | W ¹ SW | | | | 80. | 2 | 280.00 | 10.00 | 800.00 |
| C. W. Wright | NE NE | 34 | 11 | 30 | 40. | 3 | 140.00 | 8.00 | 320.00 |
| Frank Landall | SE NE | | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| D. H. Tompkins | NW NE | | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| C. W. Wright | SW NE | | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| Frank Lovewell | NE SE | | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| Bank of Wilton | S ¹ SE | | | | 80. | 2 | 280.00 | 10.00 | 800.00 |
| M & A P Ld Co | NW SE | | | | 40. | 2 | 140.00 | 10.00 | 400.00 |

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| | SEC | TP | PG | AREA | ZONE | VALUE | /BEN PER ACRE/BEN PER TRACT. |
|-----------------|-----|----|----|------|------|--------|------------------------------|
| Joel Mills | 34 | 11 | 30 | 40. | 2 | 140.00 | 10.00 : 400.00 |
| Pt Mt NW | | | | | | | |
| Joel Mills | | | | | | | |
| Pt Mt NW | | | | 40. | 2 | 140.00 | 10.00 : 400.00 |
| S. S. P. Mills | | | | | | | |
| St NW | | | | 80. | 2 | 280.00 | 10.00 : 800.00 |
| A. S. P. Mills | | | | | | | |
| SW | | | | 160. | 14E | 560.00 | 11.00 : 1840.00 |
| W. D. Waldrop | | | | | | | |
| St NE | 35 | 11 | 30 | 80. | 3 | 400.00 | 8.00 : 640.00 |
| C H & S L Cash | | | | | | | |
| St NE | | | | 80. | 3 | 280.00 | 8.00 : 640.00 |
| S. P. Nelson | | | | | | | |
| NE SE | | | | 40. | 3 | 140.00 | 8.00 : 320.00 |
| S. P. Nelson | | | | | | | |
| SE SE | | | | 40. | 3 | 140.00 | 8.00 : 320.00 |
| C H & S L Cash | | | | | | | |
| W SE | | | | 80. | 3 | 280.00 | 8.00 : 640.00 |
| Angie Fisher | | | | | | | |
| St NW | | | | 80. | 4 | 320.00 | 6.00 : 480.00 |
| Frank Lovewell | | | | | | | |
| W NW | | | | 80. | 3 | 280.00 | 8.00 : 640.00 |
| S. J. McGough | | | | | | | |
| St SW | | | | 80. | 3 | 280.00 | 8.00 : 640.00 |
| C H & S L Cash | | | | | | | |
| St SW | | | | 80. | 3 | 280.00 | 8.00 : 640.00 |
| L. B. Messamore | | | | | | | |
| St NE | 36 | 11 | 30 | 80. | 1 | 320.00 | 12.00 : 960.00 |
| Geo Byers | | | | | | | |
| St NE | | | | 80. | 1 | 400.00 | 12.00 : 960.00 |
| Geo Byers | | | | | | | |
| St NE | | | | 80. | 1 | 280.00 | 12.00 : 960.00 |
| J. W. Pipkin | | | | | | | |
| St SE | | | | 80. | 1 | 280.00 | 12.00 : 960.00 |
| L. B. Messamore | | | | | | | |
| St NW | | | | 80. | 2 | 320.00 | 10.00 : 800.00 |
| G. W. Connally | | | | | | | |

| | | | | | | | | | | | | |
|--|------|------|------|----------|---|---|---|--------|---|-------|---|---------|
| J. B. Marling NE SW | : 36 | : 11 | : 30 | : 40. | : | 2 | : | 160.00 | : | 10.00 | : | 400.00 |
| G. W. Connally NW SW | : | : | : | : 40. | : | 2 | : | 160.00 | : | 10.00 | : | 400.00 |
| J. B. Marling SE SW | : | : | : | : 80. | : | 2 | : | 320.00 | : | 10.00 | : | 800.00 |
| Wilton Pt SE SE | : 1 | : 12 | : 30 | : 3. | : | : | : | : | : | : | : | : |
| Joe Mills Pt NW NE being all of said: | : | : | : | : 157.78 | : | 1 | : | 665.00 | : | 12.00 | : | 1896.00 |
| Pt SE except the following: | | | | | | | | | | | | |
| Commence at the S corner of | | | | | | | | | | | | |
| SE NE 1-12-30; run thence | | | | | | | | | | | | |
| North 206 1/4 ft; thence West | | | | | | | | | | | | |
| 422 ft; thence South 206 1/4 ft; | | | | | | | | | | | | |
| thence East 422 ft. to the point | | | | | | | | | | | | |
| of beginning, being 2 acres. | | | | | | | | | | | | |
| Also Pt NE SE | : | : | : | : 3.50 | : | 1 | : | 20.00 | : | 12.00 | : | 42.00 |
| Joel Mills Pt NE SE | : | : | : | : 33.50 | : | 1 | : | 250.00 | : | 12.00 | : | 402.00 |
| Wilton SE SE | : | : | : | : 40. | : | 1 | : | : | : | : | : | : |
| State Pt NW SE | : | : | : | : 1.48 | : | 1 | : | : | : | : | : | : |
| Joel Mills Pt NW SE | : | : | : | : 32.52 | : | 1 | : | 160.00 | : | 12.00 | : | 390.00 |
| Joel Mills Pt NW SE | : | : | : | : 6. | : | 1 | : | 30.00 | : | 12.00 | : | 36.00 |
| P. S. Kinsworthy Pt SW SE | : | : | : | : 24. | : | 1 | : | 120.00 | : | 12.00 | : | 288.00 |
| Wilton Pt SW SE | : | : | : | : 16. | : | 1 | : | : | : | : | : | : |
| J. B. Marling Pt NE NW | : | : | : | : 40.57 | : | 2 | : | 200.00 | : | 10.00 | : | : |
| J. B. Marling Pt NW NW | : | : | : | : 38.45 | : | 2 | : | 140.00 | : | 10.00 | : | : |
| J. B. Marling Pt NW NW | : | : | : | : 2. | : | 2 | : | 250.00 | : | 10.00 | : | : |

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SEC / TP / RQ / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | | | | |
|--|-------|------|------|---------|-----|----------|---------|----------|
| J. B. Marling | : 1 : | 12 : | 30 : | 34.37 : | 2 : | 170.00 : | 10.00 : | : 340.00 |
| Pt S $\frac{1}{4}$ NW | : : | : | : | : | : | : | : | : |
| J. B. Marling | : : | : | : | 5 : | 2 : | 20.00 : | 10.00 : | : 50.00 |
| Pt SE NW | : : | : | : | : | : | : | : | : |
| Joel Mills | : : | : | : | 40 : | 2 : | 160.00 : | 10.00 : | : 400.00 |
| SW NW | : : | : | : | : | : | : | : | : |
| Joel Mills | : : | : | : | 80 : | 1 : | 320.00 : | 12.00 : | : 960.00 |
| NE SW | : : | : | : | : | : | : | : | : |
| Susan Davis | : : | : | : | 10 : | 1 : | 40.00 : | 12.00 : | : 120.00 |
| W $\frac{1}{2}$ W $\frac{1}{2}$ SE SW | : : | : | : | : | : | : | : | : |
| P. S. Kinsworthy | : : | : | : | 30 : | 1 : | 100.00 : | 12.00 : | : 360.00 |
| E $\frac{1}{2}$ SE SW | : : | : | : | : | : | : | : | : |
| Susan Davis | : : | : | : | 40 : | 1 : | 200.00 : | 12.00 : | : 480.00 |
| SW SW | : : | : | : | : | : | : | : | : |
| W. L. Hedgecock | : : | : | : | 2 : | 1 : | 50.00 : | 12.00 : | : 24.00 |
| Pt NE NE SE more partic- | | | | | | | | |
| larly described as follows: | | | | | | | | |
| Commence at the NE corner of | | | | | | | | |
| NE SE 1-12-30; run thence | | | | | | | | |
| West 140 yds; thence South | | | | | | | | |
| 70 yds; thence East 140 yds; | | | | | | | | |
| thence North 70 yds. to | | | | | | | | |
| point of beginning- | | | | | | | | |
| S. P. Nelson | : 2 : | 12 : | 30 : | 20 : | 2 : | 80.00 : | 10.00 : | : 200.00 |
| E $\frac{1}{2}$ NE NE | : | : | : | : | : | : | : | : |
| Lee Duckett | : | : | : | 20 : | 2 : | 70.00 : | 10.00 : | : 200.00 |
| W $\frac{1}{2}$ NE NE | : | : | : | : | : | : | : | : |
| H. M. Weaver | : | : | : | 60.12 : | 2 : | 210.00 : | 10.00 : | : 600.00 |
| Pt Frl S $\frac{1}{4}$ NE | : | : | : | : | : | : | : | : |
| J. B. Marling | : | : | : | 20 : | 2 : | 60.00 : | 10.00 : | : 200.00 |
| Pt Frl S $\frac{1}{4}$ NE (N of K C S) | : | : | : | : | : | : | : | : |
| J. E. Wolcott | : | : | : | 39.54 : | 2 : | 200.00 : | 10.00 : | : 400.00 |
| Pt Frl NW NE | : | : | : | : | : | : | : | : |
| H. M. Weaver | : | : | : | 80 : | 1 : | 280.00 : | 12.00 : | : 960.00 |
| NE SE | : | : | : | : | : | : | : | : |
| Viola Glusser | : | : | : | 80 : | 1 : | 360.00 : | 12.00 : | : 960.00 |
| W $\frac{1}{2}$ SE | : | : | : | : | : | : | : | : |

| SEC / TP / R2 / AREA / ZONE / VALUE / PER ACRE / PER TRACT - | | | | | | | | | |
|--|-------|------|------|----------|-----|----------|---------|---|---------|
| E. O. Cooper Frl N ¹ / ₂ NW | : 2 : | 12 : | 30 : | 78.97 : | 2 : | 250.00 : | 10.00 : | : | 790.00 |
| A. L. Cathey SW | : | : | : | 160. : | 1 : | 560.00 : | 12.00 : | : | 1920.00 |
| E. C. Cooper Frl NE | : 3 : | 12 : | 30 : | 159.12 : | 2 : | 650.00 : | 10.00 : | : | 1590.00 |
| E. C. Cooper N ¹ / ₂ SE | : | : | : | 80. : | 1 : | 300.00 : | 12.00 : | : | 960.00 |
| Ark Land & Timber Co S ¹ / ₄ SE | : | : | : | 80. : | 1 : | 240.00 : | 12.00 : | : | 960.00 |
| W. T. Osborne Frl NW | : | : | : | 158.86 : | 1 : | 560.00 : | 12.00 : | : | 1908.00 |
| P. S. Kinneworthy SW | : | : | : | 160. : | 1 : | 480.00 : | 12.00 : | : | 1920.00 |
| W. T. Osborne Frl E ¹ / ₂ NE | : 4 : | 12 : | 30 : | 78.28 : | 1 : | 280.00 : | 12.00 : | : | 936.00 |
| A. B. Barkman Frl NW NE | : | : | : | 38.42 : | 1 : | 160.00 : | 12.00 : | : | 456.00 |
| J. M. Sullivan Frl SW NE | : | : | : | 39.74 : | 1 : | 140.00 : | 12.00 : | : | 480.00 |
| W. T. Howilliams SE | : | : | : | 160. : | 1 : | 560.00 : | 12.00 : | : | 1920.00 |
| J. M. Sullivan Frl NE NW | : | : | : | 38.82 : | 2 : | 140.00 : | 10.00 : | : | 390.00 |
| J. M. Sullivan NW NW | : | : | : | 38.70 : | 2 : | 140.00 : | 10.00 : | : | 390.00 |
| J. M. Sullivan S ¹ / ₄ NW | 1 : | : | : | 80.74 : | 2 : | 280.00 : | 10.00 : | : | 810.00 |
| P. S. Kinneworthy SW | : 1 : | : | : | 160. : | 2 : | 480.00 : | 10.00 : | : | 1600.00 |
| Jim Sullivan NE NE | : 5 : | 12 : | 30 : | 40. : | 3 : | 140.00 : | 8.00 : | : | 320.00 |
| Sam Bowman Frl NW NE | : | : | : | 36.76 : | 3 : | 140.00 : | 8.00 : | : | 296.00 |
| Jim Sullivan S ¹ / ₄ NE | : | : | : | 80.00 : | 3 : | 280.00 : | 8.00 : | : | 640.00 |
| J. S. Savage NE SE | : | : | : | 40. : | 3 : | 140.00 : | 8.00 : | : | 320.00 |

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| | SEC | TP | RC | AREA | ZONE | VALUE | BEN PER ACRE | BEN PER TRACT |
|-------------------------------------|-----|----|----|-------|------|--------|--------------|---------------|
| D. H. Tompkins | 5 | 12 | 30 | 40. | 3 | 140.00 | 8.00 | 320.00 |
| NW SE | | | | | | | | |
| D. H. Tompkins | | | | | | | | |
| S $\frac{1}{4}$ SE | | | | 80. | 3 | 280.00 | 8.00 | 640.00 |
| Mrs N A Mingard | | | | | | | | |
| Pr $\frac{1}{4}$ NW NW | | | | 37.93 | 4 | 140.00 | 6.00 | 228.00 |
| Jno. Bowman | | | | | | | | |
| Pr $\frac{1}{4}$ S $\frac{1}{4}$ NW | | | | 50.44 | 4 | 175.00 | 6.00 | 300.00 |
| Jno. Bowman | | | | | | | | |
| Pr $\frac{1}{4}$ SE NW | | | | 29. | 4 | 120.00 | 6.00 | 174.00 |
| Frank W. Crosbie | | | | | | | | |
| SW | | | | 160. | 4 | 560.00 | 6.00 | 960.00 |
| San Bowman | | | | | | | | |
| Pr $\frac{1}{4}$ NE NW | | | | 37.95 | 4 | 140.00 | 6.00 | 228.00 |
| I. H. Mathews | | | | | | | | |
| N $\frac{1}{4}$ NE | 8 | 12 | 30 | 80. | 3 | 280.00 | 8.00 | 640.00 |
| John Joyner | | | | | | | | |
| S $\frac{1}{4}$ NE | | | | 80. | 3 | 280.00 | 8.00 | 640.00 |
| W. N. Burt | | | | | | | | |
| N $\frac{1}{4}$ SE | | | | 80. | 3 | 280.00 | 8.00 | 640.00 |
| J. S. McNeil | | | | | | | | |
| SE SE | | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| C. S. Cobb | | | | | | | | |
| SW SE | | | | 40. | 4 | 140.00 | 6.00 | 240.00 |
| Joel Mills | | | | | | | | |
| E $\frac{1}{4}$ NE | 9 | 12 | 30 | 80. | 1 | 280.00 | 12.00 | 960.00 |
| S. C. Cooper | | | | | | | | |
| W $\frac{1}{4}$ NE | | | | 80. | 1&2 | 350.00 | 11.00 | 880.00 |
| Floyd Hinton | | | | | | | | |
| N $\frac{1}{4}$ SE | | | | 80. | 2 | 280.00 | 10.00 | 800.00 |
| C. G. Anderson | | | | | | | | |
| SE SE | | | | 40. | 2 | 160.00 | 10.00 | 400.00 |
| W. K. Switzer | | | | | | | | |
| SW SE | | | | 40. | 2 | 160.00 | 10.00 | 400.00 |
| Susan D. Fleming | | | | | | | | |
| NE NW | | | | 40. | 2 | 160.00 | 10.00 | 400.00 |
| Wood & Reynolds | | | | | | | | |
| SE NW | | | | 40. | 2 | 160.00 | 10.00 | 400.00 |

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SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT .

| | | | | | | | | |
|--|------|------|------|-------|-----|----------|---------|----------|
| A. L. Cathey | : 11 | : 12 | : 30 | : 40. | : 2 | : 140.00 | : 10.00 | : 400.00 |
| SE SE | | | | | | | | |
| C. W. Slusser | : | : | : | : 40. | : 2 | : 120.00 | : 10.00 | : 400.00 |
| SW SE | | | | | | | | |
| A. L. Cathey | : | : | : | : 80. | : 1 | : 280.00 | : 12.00 | : 960.00 |
| N $\frac{1}{2}$ NW | | | | | | | | |
| O. H. Stoddard | : | : | : | : 40. | : 1 | : 140.00 | : 12.00 | : 480.00 |
| SE NW | | | | | | | | |
| Fletcher Lyons | : | : | : | : 40. | : 1 | : 140.00 | : 12.00 | : 480.00 |
| SW NW | | | | | | | | |
| O. H. Stoddard | : | : | : | : 80. | : 2 | : 280.00 | : 10.00 | : 800.00 |
| E $\frac{1}{2}$ SW | | | | | | | | |
| A. K. Branham | : | : | : | : 80. | : 2 | : 240.00 | : 10.00 | : 800.00 |
| W $\frac{1}{2}$ SW | | | | | | | | |
| Wilton | : 12 | : 12 | : 30 | : 40. | : | : | : | : |
| NE NE | | | | | | | | |
| Wilton | : | : | : | : 35. | : | : | : | : |
| Pt SE NE | | | | | | | | |
| Geo. Byers | : | : | : | : 4. | : 1 | : 25.00 | : 12.00 | : 48.00 |
| Pt SE NE | | | | | | | | |
| B. J. McCough | : | : | : | : 14. | : 1 | : 100.00 | : 12.00 | : 168.00 |
| Pt NW NE more particularly described as follows: Begin at the NE corner of the NW NE 12-12-29; run thence West 260 $\frac{1}{2}$ yds; thence South 260 $\frac{1}{2}$ yds; thence East 260 $\frac{1}{2}$ yds; thence North 260 $\frac{1}{2}$ yds to place of beginning. | | | | | | | | |
| S. J. Gordon | : | : | : | : 26. | : 1 | : 110.00 | : 12.00 | : 312.00 |
| Pt NW NE being that part which is left after carving therefrom the preceding description. | | | | | | | | |
| S. J. Gordon | : | : | : | : 40. | : 1 | : 160.00 | : 12.00 | : 480.00 |
| SW NE | | | | | | | | |
| E. H. Talley | : | : | : | : | : | : | : | : |

| SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT. | | | | | | | | | |
|---|--|----|----|----|------|---|--------|-------|--------|
| S. J. Gordon | W ¹ SE | 12 | 12 | 30 | 80. | 1 | 400.00 | 12.00 | 960.00 |
| J. M. Feeley | N ¹ SW | : | : | : | 80. | 1 | 370.00 | 12.00 | 960.00 |
| S. J. Gordon | S ¹ NW | : | : | : | 80. | 2 | 400.00 | 10.00 | 800.00 |
| S. J. Gordon | N ¹ SW | : | : | : | 80. | 2 | 320.00 | 10.00 | 800.00 |
| J. H. Gill | SE SW | : | : | : | 40. | 2 | 160.00 | 10.00 | 400.00 |
| J. H. Gill | E ¹ SW SW | : | : | : | 20. | 2 | 100.00 | 10.00 | 200.00 |
| Mrs. L. E. Belm | W ¹ SW SW | : | : | : | 20. | 2 | 100.00 | 10.00 | 200.00 |
| Ailey Austin | Pt SE NE being more particularly described as follows, to-wit: Commence at the SW corner of the SE NE 12-12-30, run thence North 12-12-30; thence East 540 ft: 650 ft: thence East 540 ft: to beginning point; thence South 170 ft. East to K C S Ry R/W; thence North 170 ft. along said R/W; thence West 100 ft to point of beginning. | : | : | : | .1/3 | 1 | 25.00 | 12.00 | 12.00 |
| D. C. Boyer | E ¹ NE | 13 | 12 | 30 | 80. | 1 | 300.00 | 12.00 | 960.00 |
| J. A. Gill | N ¹ NW NE | : | : | : | 20. | 1 | 100.00 | 12.00 | 240.00 |
| J. B. Jackson | S ¹ NW NE | : | : | : | 20. | 1 | 100.00 | 12.00 | 240.00 |
| Mrs. Annie Charleston | SW NE | : | : | : | 40. | 1 | 140.00 | 12.00 | 480.00 |
| Miss Ada Mills | Pt NE NW SE | : | : | : | 8. | 1 | 40.00 | 12.00 | 96.00 |
| D. C. Boyer | P ¹ NE SE | : | : | : | 32. | 1 | 115.00 | 12.00 | 384.00 |

125
SEC / TP / R3 / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | | | | | |
|----------------------------|-----------------|----|----|----|------|---|--------|-------|--------|
| A. G. Brown | SE | 13 | 12 | 30 | 39. | 1 | 200.00 | 12.00 | 468.00 |
| SE SE being all of said | | | | | | | | | |
| SE SE except the following | | | | | | | | | |
| one acre carved therefrom: | | | | | | | | | |
| G. W. Savage | | | | | | | | | |
| Pt S $\frac{1}{2}$ SE SE | | | | | 1. | 1 | 10.00 | 12.00 | 12.00 |
| Mrs. A. M. Charlston | NW | SE | | | 40. | 1 | 140.00 | 12.00 | 480.00 |
| Mrs. A. L. Charlston | SW | SE | | | 40. | 1 | 140.00 | 12.00 | 480.00 |
| J. H. Gill | NE | NW | | | 40. | 2 | 200.00 | 10.00 | 400.00 |
| Mrs. A. M. Charlston | SE | NW | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| Mrs. A. M. Charlston | NW | NW | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| Mrs. A. M. Charlston | SW | NW | | | 40. | 2 | 140.00 | 10.00 | 400.00 |
| Mrs. A. M. Charlston | E $\frac{1}{2}$ | SW | | | 80. | 2 | 400.00 | 10.00 | 800.00 |
| J. W. Neville | W $\frac{1}{2}$ | SW | | | 80. | 2 | 280.00 | 10.00 | 800.00 |
| Jack Cook | N $\frac{1}{2}$ | NE | | | 80. | 3 | 320.00 | 8.00 | 640.00 |
| Willie Phillips | S $\frac{1}{2}$ | NE | | | 80. | 3 | 280.00 | 8.00 | 640.00 |
| M & A P Land Co. | E $\frac{1}{2}$ | SE | | | 80. | 3 | 280.00 | 8.00 | 640.00 |
| Willie Phillips | W $\frac{1}{2}$ | SE | | | 80. | 3 | 280.00 | 8.00 | 640.00 |
| O. H. Stoddard | NE | NW | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| Jin. Talley | NW | NW | | | 40. | 3 | 140.00 | 8.00 | 320.00 |
| J. M. Talley | S $\frac{1}{2}$ | NW | | | 80. | 3 | 300.00 | 8.00 | 640.00 |
| Willie Phillips | SW | | | | 160. | 4 | 560.00 | 8.00 | 640.00 |

| | | | | | | | | | |
|---|-------|------|------|------|-------|-----|----------|--------|----------|
| A. Keenes | NE NE | : 15 | : 12 | : 30 | : 40. | : 3 | : 140.00 | : 8.00 | : 320.00 |
| Mrs. A. Chambers | SE NE | : | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : 320.00 |
| A. Keenes | W NE | : | : | : | : 80. | : 3 | : 240.00 | : 8.00 | : 640.00 |
| Mrs. A. Chambers | E NE | : | : | : | : 40. | : 4 | : 280.00 | : 6.00 | : 480.00 |
| H. C. Hodges | NW SE | : | : | : | : 40. | : 4 | : 120.00 | : 6.00 | : 240.00 |
| Mrs. A. Chambers | SW SE | : | : | : | : 40. | : 4 | : 140.00 | : 6.00 | : 240.00 |
| Mrs. V. E. Waldrop | E NE | : | : | : | : 80. | : 3 | : 240.00 | : 8.00 | : 640.00 |
| S. S. P. Mills & Son | W NE | : | : | : | : 80. | : 3 | : 320.00 | : 8.00 | : 640.00 |
| C. H. Park | NE SW | : | : | : | : 40. | : 4 | : 140.00 | : 6.00 | : 240.00 |
| C. H. Park | SE SW | : | : | : | : 40. | : 4 | : 160.00 | : 6.00 | : 240.00 |
| A. J. Kizer | W SW | : | : | : | : 80. | : 4 | : 320.00 | : 6.00 | : 480.00 |
| V. E. Waldrop | N NE | : 16 | : 12 | : 30 | : 80. | : 3 | : 280.00 | : 8.00 | : 640.00 |
| Mills & Son | SE NE | : | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : 320.00 |
| A. J. Kizer | SW NE | : | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : 320.00 |
| Mills & Son | NE NW | : | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : 320.00 |
| J. A. Shafer, Sr. | SE NW | : | : | : | : 40. | : 3 | : 140.00 | : 8.00 | : 320.00 |
| Pt NW NW being that part which is left after carving therefrom the following: | | : | : | : | : 37. | : 3 | : 130.00 | : 8.00 | : 296.00 |
| Ada Mills | | : | : | : | | | | | |
| Pt NW NW being 3 acres in a strip across the south side of said 40. | | : | : | : | : 3. | : 3 | : 10.00 | : 8.00 | : 24.00 |

127

SEC / TP / RG / .AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

Rula Paulp
Pt SW NW (known as the
Will Love place)
Ada Mills
Pt SW NW
A. J. Kizer
NE NE
Sandy Wright
SE NE
Joel Mills
NW NE
Joel Mills
SW NE
Mry Briggs
NE SE
L. A. Simmons
SE SE
C. A. Bishop
Wt SE
G. W. Savage
NE NE
Amelia Sykes
SE NE
S. Northcross
NW NE
S. S. P. Mills
SW NE
Amelia Sykes
Nt SE
B. S. Thrash
St SE
S. Northcross
Mt NW
S. S. P. Mills
SE NW
Sandy Wright
SW NW

: 16 : 12 : 30 : 6. : 4 : 30.00 : 6.00 : 36.00
: : : : 34. : 4 : 120.00 : 6.00. : 240.00
: 23 : 12 : 30 : 40. : 3 : 140.00 : 8.00 : 320.00
: : : : 40. : 3 : 140.00 : 8.00 : 320.00
: : : : 40. : 3 : 140.00 : 8.00 : 320.00
: : : : 40. : 3 : 140.00 : 8.00 : 320.00
: : : : 40. : 3 : 140.00 : 8.00 : 320.00
: : : : 40. : 3 : 140.00 : 8.00 : 320.00
: : : : 80. : 3 : 400.00 : 8.00 : 640.00
: 24 : 12 : 30 : 40. : 1 : 200.00 : 12.00 : 480.00
: : : : 40. : 1 : 200.00 : 12.00 : 480.00
: : : : 40. : 1 : 160.00 : 12.00 : 480.00
: : : : 40. : 1 : 160.00 : 12.00 : 480.00
: : : : 80. : 1 : 400.00 : 12.00 : 960.00
: : : : 80. : 1 : 400.00 : 12.00 : 960.00
: : : : 80. : 2 : 280.00 : 10.00 : 800.00
: : : : 40. : 2 : 160.00 : 10.00 : 400.00

| SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT | | 126 |
|--|--|-----|
| Mills & Son | | |
| N ¹ SW | : 24 : 12 : 30 : 80. : 2 : 320.00 : 10.00 : 800.00 | |
| H. J. Tinsley | | |
| NW SW | : : : : 40. : 2 : 160.00 : 10.00 : 400.00 | |
| W. B. Prewitt | | |
| NE NE | : 25 : 12 : 30 : 40. : 1 : 200.00 : 12.00 : 480.00 | |
| B. S. Thrash | | |
| SE NE | : : : : 40. : 1 : 200.00 : 12.00 : 480.00 | |
| P. C. Thrash | | |
| NW NE | : : : : 40. : 2 : 200.00 : 10.00 : 400.00 | |
| W. B. Prewitt | | |
| SW NE | : : : : 40. : 2 : 160.00 : 10.00 : 400.00 | |
| Unknown | | |
| SE SE | : : : : 80. : 1 : 320.00 : 12.00 : 960.00 | |
| Elder & Prescott | | |
| N ¹ SE | : : : : 80. : 2 : 280.00 : 10.00 : 800.00 | |
| L. H. Simmons | | |
| NE NW | : : : : 40. : 2 : 200.00 : 10.00 : 400.00 | |
| W. B. Prewitt | | |
| SE NW | : : : : 40. : 2 : 160.00 : 10.00 : 400.00 | |
| Robert Mellins | | |
| NW NW | : : : : 40. : 3 : 160.00 : 8.00 : 320.00 | |
| L. C. Anderson | | |
| SW-NW | : : : : 40. : 3 : 140.00 : 8.00 : 320.00 | |
| Elder & Prescott | | |
| NE SW | : : : : 40. : 2 : 140.00 : 10.00 : 400.00 | |
| C. S. Keener | | |
| SE SW | : : : : 40. : 2 : 160.00 : 10.00 : 400.00 | |
| W. D. Pounds | | |
| NW SW | : : : : 40. : 3 : 140.00 : 8.00 : 320.00 | |
| Elder & Prescott | | |
| SW SW | : : : : 40. : 3 : 140.00 : 8.00 : 320.00 | |

FOUNTAIN OF VILTON

631

| | LOT | BLOCK | SEC | TP | HC | AREA | ZONE | VALUE | BEN | PER | ACRE | BEN | PER | TRACT |
|------------------|-----|-------|-----|----|----|------|------|-------|-----|--------|------|-------|-----|-------|
| J. W. Pipkin | All | 1 | : | : | : | : | : | 2 | : | 25.00 | : | 20.00 | : | 20.00 |
| All Blk 1 | All | 2 | : | : | : | : | : | 2 | : | : | : | : | : | : |
| School Distr #16 | 1 | 3 | : | : | : | : | : | 2 | : | 45.00 | : | 20.00 | : | 20.00 |
| All Blk 2 | 2 | 3 | : | : | : | : | : | 2 | : | 45.00 | : | 20.00 | : | 20.00 |
| Mrs. J. W. Clark | 3 | : | : | : | : | : | : | 2 | : | 10.00 | : | 20.00 | : | 20.00 |
| Lot 1 Blk 3 | 4 | : | : | : | : | : | : | 2 | : | 5.00 | : | 20.00 | : | 20.00 |
| Mrs. J. W. Clark | 5 | : | : | : | : | : | : | 2 | : | 5.00 | : | 20.00 | : | 20.00 |
| Lot 2 Blk 3 | 6 | : | : | : | : | : | : | 2 | : | 5.00 | : | 20.00 | : | 20.00 |
| Mrs. J. W. Clark | 7 | : | : | : | : | : | : | 2 | : | 5.00 | : | 20.00 | : | 20.00 |
| Lot 3 | 8 | : | : | : | : | : | : | 2 | : | 5.00 | : | 20.00 | : | 20.00 |
| P. S. Kinsworthy | 9 | : | : | : | : | : | : | 2 | : | 5.00 | : | 20.00 | : | 20.00 |
| Lot 4 | 10 | : | : | : | : | : | : | 2 | : | 65.00 | : | 20.00 | : | 20.00 |
| P. S. Kinsworthy | 11 | : | : | : | : | : | : | 2 | : | 65.00 | : | 20.00 | : | 20.00 |
| Lot 5 | 12 | : | : | : | : | : | : | 2 | : | 200.00 | : | 20.00 | : | 20.00 |
| P. S. Kinsworthy | 1 | 4 | : | : | : | : | : | 3 | : | 6.00 | : | 15.00 | : | 15.00 |
| Lot 6 | 2 | : | : | : | : | : | : | 3 | : | 6.00 | : | 15.00 | : | 15.00 |
| P. S. Kinsworthy | 3 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 7 | 4 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| P. S. Kinsworthy | 5 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 8 | 6 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| P. S. Kinsworthy | 7 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 9 | 8 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| B. F. Cannon | 9 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 10 Blk 3 | 10 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| B. F. Cannon | 11 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 11 Blk 3 | 12 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| B. F. Cannon | 1 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 12 | 2 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| J. F. Rayne | 3 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 1 Blk 4 | 4 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Von F. Pipkin | 5 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 2 | 6 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Von F. Pipkin | 7 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 3 | 8 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Joel Mills | 9 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 4 | 10 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Joel Mills | 11 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |
| Lot 5 | 12 | : | : | : | : | : | : | 3 | : | 5.00 | : | 15.00 | : | 15.00 |

[illegible]

TOWN OF WILTON

151

| | LOT | BLOCK | SEC | TP | 25 | AREA | ZONE | VALUE | BEN | PER | ACRE | BEN | PER | TRACT |
|-----------------|-----|-------|-----|----|----|------|-----------|-------|-------|-------|-------|-------|--------|--------|
| K.C.S.FY.Co. | 11 | 5 | : | : | : | : | : | 3 | 5.00 | : | 15.00 | : | 15.00 | |
| Lot 11 Blk 5 | 12 | : | : | : | : | : | : | 3 | 5.00 | : | 15.00 | : | 15.00 | |
| K.C.S.Fy.Co. | All | 6 | : | : | : | : | (11 lots) | 4 | 60.00 | : | 10.00 | : | 110.00 | |
| Lot 12 | All | 7 | : | : | : | : | (12 |) | 3 | 60.00 | : | 15.00 | : | 180.00 |
| P.S.Kinsworthy | 1 | 8 | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| All Blk 6 | 2 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| P.S.Kinsworthy | 3 | : | : | : | : | : | : | 3 | 5.00 | : | 15.00 | : | 15.00 | |
| All Blk 7 | 4 | : | : | : | : | : | : | 3 | 5.00 | : | 15.00 | : | 15.00 | |
| Ark T & Bnk Co | 5 | : | : | : | : | : | : | 3 | 40.00 | : | 15.00 | : | 15.00 | |
| Lot 1 Blk 8 | 6 | : | : | : | : | : | : | 3 | 20.00 | : | 15.00 | : | 15.00 | |
| Ark T & Bnk Co | 7 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Lot 2 | 8 | : | : | : | : | : | : | 3 | 40.00 | : | 15.00 | : | 15.00 | |
| P.S.Kinsworthy | 9 | : | : | : | : | : | : | 3 | 40.00 | : | 15.00 | : | 15.00 | |
| Lot 3 | 10 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| P.S.Kinsworthy | 1 | 9 | : | : | : | : | : | 3 | : | : | : | : | : | |
| Lot 4 | 2 | : | : | : | : | : | : | 3 | : | : | : | : | : | |
| Pearl Walker | 3 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Lot 5 | 4 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Pearl Walker | 5 | : | : | : | : | : | : | 3 | 40.00 | : | 15.00 | : | 15.00 | |
| Lot 6 | 6 | : | : | : | : | : | : | 3 | 20.00 | : | 15.00 | : | 15.00 | |
| J.M. Lay | 7 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Lot 7 | 8 | : | : | : | : | : | : | 3 | 40.00 | : | 15.00 | : | 15.00 | |
| J.M. Lay | 9 | : | : | : | : | : | : | 3 | 40.00 | : | 15.00 | : | 15.00 | |
| Lot 8 | 10 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| J.M. Lay | 1 | 9 | : | : | : | : | : | 3 | : | : | : | : | : | |
| Lot 9 | 2 | : | : | : | : | : | : | 3 | : | : | : | : | : | |
| J.M. Lay | 3 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Lot 10 | 4 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Baptist Church | 5 | : | : | : | : | : | : | 3 | : | : | : | : | : | |
| Lot 1 Blk 9 | 6 | : | : | : | : | : | : | 3 | : | : | : | : | : | |
| Baptist Church | 7 | : | : | : | : | : | : | 3 | : | : | : | : | : | |
| Lot 2 | 8 | : | : | : | : | : | : | 3 | : | : | : | : | : | |
| Mrs See Ceates | 9 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Lot 3 | 10 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| Ark T & Bnk Co. | 1 | 9 | : | : | : | : | : | 3 | : | : | : | : | : | |
| Lot 4 | 2 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |
| J.P. Rayne | 3 | : | : | : | : | : | : | 3 | 10.00 | : | 15.00 | : | 15.00 | |

| LOT/BLOCK/SEC/TF/NO./AREA | VALUE/DBA FOR ADJUT. MAP | AREA | COSE | DBA FOR ADJUT. MAP |
|-----------------------------|--------------------------|------|--------------|--------------------|
| K.O.S.Ry.CO. Lot 6 Blk 9 | 15.00 | 3 | 5.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 7 | 15.00 | 3 | 6.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 8 | 15.00 | 3 | 5.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 9 | 15.00 | 3 | 5.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 10 | 15.00 | 3 | 5.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 11 | 15.00 | 3 | 5.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 12 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 13 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 14 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 15 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 16 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 17 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 18 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 19 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 20 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 21 | 15.00 | 3 | 20.00: 15.00 | 15.00 |
| K.C.S.Ry.CO. Lot 22 | 20.00 | 2 | 20.00: 20.00 | 20.00 |
| K.C.S.Ry.CO. Lot 23 | 20.00 | 2 | 20.00: 20.00 | 20.00 |
| K.C.S.Ry.CO. Lot 24 | 20.00 | 2 | 20.00: 20.00 | 20.00 |

TOWN OF WILTON

| | LOT/BLOCK/SEC/TP/RG/AREA/ZONE/VALUE/BEN PER ACRE/BEN PER TRACT. | 135 |
|----------------------------------|---|-----|
| P. S. Kinsworthy Lot 4 Blk 10 | : 4 : 10 : : : : 2 : 5.00 : 20.00 : 20.00 | |
| P. S. Kinsworthy Lot 5 | : 5 : : : : : 2 : 5.00 : 20.00 : 20.00 | |
| P. S. Kinsworthy Lot 6 | : 6 : : : : : 2 : 5.00 : 20.00 : 20.00 | |
| C. P. Church Lot 7 | : 7 : : : : : : : : : : | |
| T. L. Hallowell Lot 8 | : 8 : : : : : 2 : 30.00 : 20.00 : 20.00 | |
| T. L. Hallowell Lot 9 | : 9 : : : : : 2 : 30.00 : 20.00 : 20.00 | |
| W. D. Bratton Lot 10 | : 10 : : : : : 2 : 50.00 : 20.00 : 20.00 | |
| W. D. Bratton Lot 11 | : 11 : : : : : 2 : 50.00 : 20.00 : 20.00 | |
| W. D. Bratton Lot 12 | : 12 : : : : : 2 : 50.00 : 20.00 : 20.00 | |
| J. H. Clark Lot 1 Blk 11 | : 1 : 11 : : : : : 2 : 40.00 : 20.00 : 20.00 | |
| J. H. Clark Lot 2 | : 2 : : : : : : 2 : 40.00 : 20.00 : 20.00 | |
| J. H. Clark Lot 3 | : 3 : : : : : : 2 : 40.00 : 20.00 : 20.00 | |
| J. H. Clark Lot 4 | : 4 : : : : : : 2 : 30.00 : 20.00 : 20.00 | |
| Methodist Church Lot 5 | : 5 : : : : : : : : : : | |
| Methodist Church Lot 6 | : 6 : : : : : : : : : : | |
| W. K. Switzer Lot 7 | : 7 : : : : : 2 : 5.00 : 20.00 : 20.00 | |
| W. K. Switzer Lot 8 | : 8 : : : : : 2 : 5.00 : 20.00 : 20.00 | |
| W. K. Switzer Lot 9 | : 9 : : : : : : : : : : | |

| | LOT/BLOCK/SEC/TP/RC/AREA/ZONE/VALUE/BEN PER ACRE/BEN PER TRACT |
|------------------|--|
| W.K. Switzer | |
| Lot 11 Blk 11 | : 11 : 11 : : : : 2 : 5.00 : 20.00 : 20.00 |
| W.K. Switzer | |
| Lot 12 | : 12 : : : : : 2 : 5.00 : 20.00 : 20.00 |
| Chas. H. Park | |
| Lot 1 Blk 12 | : 1 : 12 : : : : 2 : 5.00 : 20.00 : 20.00 |
| Chas. H. Park | |
| Lot 2 | : 2 : : : : : 2 : 5.00 : 20.00 : 20.00 |
| Chas. H. Park | |
| Lot 3 | : 3 : : : : : 2 : 5.00 : 20.00 : 20.00 |
| Chas. H. Park | |
| Lot 4 | : 4 : : : : : 2 : 5.00 : 20.00 : 20.00 |
| Chas. H. Park | |
| Lot 5 | : 5 : : : : : 2 : 5.00 : 20.00 : 20.00 |
| Methodist Church | |
| Lot 6 | : 6 : : : : : 2 : 5.00 : 20.00 : 20.00 |
| J. E. Smith | |
| Lot 7 | : 7 : : : : : 2 : 60.00 : 20.00 : 20.00 |
| J. E. Smith | |
| Lot 8 | : 8 : : : : : 2 : 60.00 : 20.00 : 20.00 |
| J. E. Smith | |
| Lot 9 | : 9 : : : : : 2 : 60.00 : 20.00 : 20.00 |
| J. E. Smith | |
| Lot 10 | : 10 : : : : : 2 : 60.00 : 20.00 : 20.00 |
| J. E. Smith | |
| Lot 11 | : 11 : : : : : 2 : 60.00 : 20.00 : 20.00 |
| J. E. Smith | |
| Lot 12 | : 12 : : : : : 2 : 60.00 : 20.00 : 20.00 |
| Ark T & Enkg Co | |
| Lot 1 Blk 13 | : 1 : 13 : : : : 2 : 10.00 : 20.00 : 20.00 |
| Ark T & Enkg Co | |
| Lot 2 | : 2 : : : : : 2 : 10.00 : 20.00 : 20.00 |
| Ark T & Enkg Co | |
| Lot 3 | : 3 : : : : : 2 : 10.00 : 20.00 : 20.00 |
| Ark T & Enkg | |
| Lot 4 | : 4 : : : : : 2 : 10.00 : 20.00 : 20.00 |
| Ark T & Enkg Co | |
| Lot 5 | : 5 : : : : : 2 : 10.00 : 20.00 : 20.00 |

TOWN OF WILTON

135
 LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | | | | | | | |
|---------------------------------|--------|------|---|---|---|---|-----|----------|---------|---|-------|
| Ark T & Bnkg Co Lot 6 Blk 13 | : 6 : | 13 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Ark T & Bnkg Co Lot 7 | : 7 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Ark T & Bnkg Co Lot 8 | : 8 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Ark T & Bnkg Co Lot 9 | : 9 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Ark T & Bnkg Co Lot 10 | : 10 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Ark T & Bnkg Co Lot 11 | : 11 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Ark T & Bnkg Co Lot 12 | : 12 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| Mrs Lenah LaGrone Lot 13 | : 13 : | : | : | : | : | : | 1 : | 100.00 : | 25.00 : | : | 25.00 |
| Mrs Lenah LaGrone Lot 14 | : 14 : | : | : | : | : | : | 1 : | 100.00 : | 25.00 : | : | 25.00 |
| K. Coats Est Lot 15 | : 15 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| K. Coats Est Lot 16 | : 16 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| K. Coats Est Lot 17 | : 17 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| K. Coats Est Lot 18 | : 18 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| K. Coats Est Lot 19 | : 19 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| K. Coats Est Lot 20 | : 20 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| A. J. Kiser Lot 21 | : 21 : | : | : | : | : | : | 1 : | 10.00 : | 25.00 : | : | 25.00 |
| A. J. Kiser Lot 22 | : 22 : | : | : | : | : | : | 1 : | 50.00 : | 25.00 : | : | 25.00 |
| A. J. Kiser Lot 23 | : 23 : | : | : | : | : | : | 1 : | 200.00 : | 25.00 : | : | 25.00 |
| A. J. Kiser Lot 24 | : 24 : | : | : | : | : | : | 1 : | 200.00 : | 25.00 : | : | 25.00 |

| | LOT | BLOCK | SEC | TP | RG | AREA | ZONE | VALUE | BEN PER ACRE | BEN PER TRACT |
|-----------------|-----|-------|-----|----|----|------|------|-------|--------------|---------------|
| Miss Maud Wynn | 1 | 14 | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Lot 1 Blk 14 | 2 | : | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Miss Maud Wynn | 3 | : | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Lot 2 | 4 | : | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Miss Maud Wynn | 5 | : | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Lot 3 | 6 | : | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Miss Maud Wynn | 7 | : | : | : | : | : | 2 | 35.00 | 20.00 | 20.00 |
| Lot 4 | 8 | : | : | : | : | : | 2 | 5.00 | 20.00 | 20.00 |
| Miss Maud Wynn | 9 | : | : | : | : | : | 2 | 5.00 | 20.00 | 20.00 |
| Lot 5 | 10 | : | : | : | : | : | 2 | 5.00 | 20.00 | 20.00 |
| Miss Maud Wynn | 11 | : | : | : | : | : | 2 | 5.00 | 20.00 | 20.00 |
| Lot 6 | 12 | : | : | : | : | : | 2 | 5.00 | 20.00 | 20.00 |
| Miss Maud Wynn | 13 | : | : | : | : | : | 2 | 5.00 | 20.00 | 20.00 |
| Lot 7 | 14 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Miss Maud Wynn | 15 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 8 | 16 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 17 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 9 | 18 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 19 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 10 | 20 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| H. M. McGough | 21 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 11 | 22 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| H. M. McGough | 23 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 12 | 24 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| H. M. McGough | 25 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 13 | 26 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 27 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 14 | 28 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 29 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 15 | 30 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 31 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 16 | 32 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 33 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 17 | 34 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 35 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 18 | 36 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 37 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 19 | 38 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| P.S. Kinsworthy | 39 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |
| Lot 20 | 40 | : | : | : | : | : | 1 | 35.00 | 25.00 | 25.00 |

TOWN OF WILTON

137

LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | | | | | | | |
|---------------------------------|--------|------|---|---|---|---|-----|----------|---------|---|-------|
| P.S. Kinworthy Lot 20 Blk 14 | : 20 : | 14 : | : | : | : | : | 1 : | 36.00 : | 25.00 : | : | 25.00 |
| P.S. Kinworthy Lot 21 | : 21 : | : | : | : | : | : | 1 : | 36.00 : | 25.00 : | : | 25.00 |
| P. A. Pipkin Lot 1 Blk 16 | : 1 : | 16 : | : | : | : | : | 2 : | 100.00 : | 20.00 : | : | 20.00 |
| P. A. Pipkin Lot 2 | : 2 : | : | : | : | : | : | 2 : | 100.00 : | 20.00 : | : | 20.00 |
| P. A. Pipkin Lot 3 | : 3 : | : | : | : | : | : | 2 : | 100.00 : | 20.00 : | : | 20.00 |
| P. A. Pipkin Lot 4 | : 4 : | : | : | : | : | : | 2 : | 100.00 : | 20.00 : | : | 20.00 |
| J. M. Pipkin Lot 5 | : 5 : | : | : | : | : | : | 2 : | 20.00 : | 20.00 : | : | 20.00 |
| J. M. Pipkin Lot 6 | : 6 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| J. M. Pipkin Lot 7 | : 7 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Lillian Kountz Lot 8 | : 8 : | : | : | : | : | : | 2 : | 25.00 : | 20.00 : | : | 20.00 |
| Lillian Kountz Lot 9 | : 9 : | : | : | : | : | : | 2 : | 25.00 : | 20.00 : | : | 20.00 |
| J. M. Pipkin Lot 10 | : 10 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Lillian Kountz Lot 11 | : 11 : | : | : | : | : | : | 2 : | 25.00 : | 20.00 : | : | 20.00 |
| Von Pipkin Lot 12 | : 12 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| K. Coats Est Lot 13 | : 13 : | : | : | : | : | : | 2 : | 20.00 : | 20.00 : | : | 20.00 |
| K. Coats Est Lot 14 | : 14 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| K. Coats Est Lot 15 | : 15 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| K. Coats Est Lot 16 | : 16 : | : | : | : | : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |

| LOT / BLOCK / SEC / TP / PG / AREA / CODE / | VALUE | PER | AREA |
|---|---------------------------|-------|------------------------|
| K. Coats Est Lot 18 Blk 15 | : 18 : 15 : | : 2 : | 10.00 : 20.00 : 20.00 |
| K. Coats Est Lot 19 | : 19 : | : 2 : | 10.00 : 20.00 : 20.00 |
| K. Coats Est Lot 20 | : 20 : | : 2 : | 10.00 : 20.00 : 20.00 |
| K. Coats Est Lot 21 | : 21 : | : 2 : | 10.00 : 20.00 : 20.00 |
| P. S. Kinsworthy Lot 1 Blk 16 | : 1 : 16 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 2 | : 2 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 3 | : 3 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 4 | : 4 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 5 | : 5 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 6 | : 6 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 7 | : 7 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 8 | : 8 : | : 3 : | 5.00 : 15.00 : 15.00 |
| P. S. Kinsworthy Lot 9 | : 9 : | : 3 : | 5.00 : 15.00 : 15.00 |
| W. K. Switzer Lot 10 | : 10 : | : 3 : | 50.00 : 15.00 : 15.00 |
| W. K. Switzer Lot 11 | : 11 : | : 3 : | 50.00 : 15.00 : 15.00 |
| W. K. Switzer Lot 12 | : 12 : | : 3 : | 50.00 : 15.00 : 15.00 |
| A. L. Cathey N ¹ Lot 1 Blk 18 | : N ¹ 1 : 18 : | : 2 : | 100.00 : 20.00 : 20.00 |
| J. S. McCough S ¹ Lot 1 | : S ¹ 1 : | : 2 : | 75.00 : 20.00 : 20.00 |
| J. S. McCough S ¹ Lot 2 | : S ¹ 2 : | : 2 : | 75.00 : 20.00 : 20.00 |

| TOWN OF WILTON | | | | | | | | | | 100 |
|---|----------|------|---|---|---|-----|----------|---------|---------|-------|
| LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT. | | | | | | | | | | |
| E. P. McGinnity Lot 20 Bk 18 | : 20 : | 18 : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 21 | : 21 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 22 | : 22 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 23 | : 23 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 24 | : 24 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 25 | : 25 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 26 | : 26 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 27 | : 27 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 28 | : 28 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 29 | : 29 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 30 | : 30 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| E. P. McGinnity Lot 31 | : 31 : | : | : | : | : | 2 : | 10.00 : | 20.00 : | 20.00 : | 20.00 |
| J. W. Pipkin Pt Lot 1 Bk 19 | : pt 1 : | 19 : | : | : | : | 3 : | 50.00 : | 15.00 : | 15.00 : | 15.00 |
| Pipkin & Cathey Pt Lot 1 | : Pt 1 : | : | : | : | : | 3 : | 10.00 : | 15.00 : | 15.00 : | 15.00 |
| T. B. Delaney Pt Lot 1 | : Pt 1 : | : | : | : | : | 3 : | 50.00 : | 15.00 : | 15.00 : | 15.00 |
| Bank of Wilton Pt Lot 1 | : Pt 1 : | : | : | : | : | 3 : | 100.00 : | 15.00 : | 15.00 : | 15.00 |
| E. C. Cooper Pt Lot 1 | : Pt 1 : | : | : | : | : | 3 : | 300.00 : | 15.00 : | 15.00 : | 15.00 |
| J. W. Pipkin Pt Lot 2 | : Pt 2 : | : | : | : | : | 3 : | 50.00 : | 15.00 : | 15.00 : | 15.00 |
| T. B. Delaney Pt Lot 2 | : Pt 2 : | : | : | : | : | 3 : | 10.00 : | 15.00 : | 15.00 : | 15.00 |

TOWN OF WILTON

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| | LOT | BLOCK | SEC | TP | R3 | AREA | ZONE | VALUE | BEN PER ACRE | BEN PER TRACT. |
|-----------------|------|-------|-----|----|----|------|------|--------|--------------|----------------|
| Pipkin & Cathey | Pt 2 | 19 | : | : | : | : | 3 | 10.00 | 15.00 | 15.00 |
| Pt Lot 2 Blk 19 | Pt 2 | : | : | : | : | : | 3 | 100.00 | 15.00 | 15.00 |
| Bank of Wilton | Pt 2 | : | : | : | : | : | 3 | 300.00 | 15.00 | 15.00 |
| E. C. Cooper | Pt 3 | : | : | : | : | : | 3 | 50.00 | 15.00 | 15.00 |
| Pt Lot 2 | Pt 3 | : | : | : | : | : | 3 | 10.00 | 15.00 | 15.00 |
| J. W. Pipkin | Pt 3 | : | : | : | : | : | 3 | : | : | : |
| Pt Lot 3 | Pt 3 | : | : | : | : | : | 3 | : | : | : |
| Pipkin & Cathey | Pt 3 | : | : | : | : | : | 3 | : | : | : |
| Pt Lot 3 | Pt 3 | : | : | : | : | : | 3 | : | : | : |
| State | Pt 3 | : | : | : | : | : | 3 | : | : | : |
| Pt Lot 3 | Pt 3 | : | : | : | : | : | 3 | : | : | : |
| Bank of Wilton | Pt 3 | : | : | : | : | : | 3 | 50.00 | 15.00 | 15.00 |
| E. C. Cooper | Pt 3 | : | : | : | : | : | 3 | 300.00 | 15.00 | 15.00 |
| Pt Lot 3 | Pt 4 | : | : | : | : | : | 3 | : | : | : |
| State | Pt 4 | : | : | : | : | : | 3 | : | : | : |
| Pt Lot 4 | Pt 4 | : | : | : | : | : | 3 | 10.00 | 15.00 | 15.00 |
| E. C. Cooper | Pt 4 | : | : | : | : | : | 3 | : | : | : |
| Pt Lot 4 | Pt 4 | : | : | : | : | : | 3 | : | : | : |
| State | Pt 4 | : | : | : | : | : | 3 | : | : | : |
| Pt Lot 4 | 5 | : | : | : | : | : | 1 | 5.00 | 25.00 | 25.00 |
| Smith & Coats | 6 | : | : | : | : | : | 1 | 5.00 | 25.00 | 25.00 |
| Lot 5 | 7 | : | : | : | : | : | 1 | 5.00 | 25.00 | 25.00 |
| Smith & Coats | 8 | : | : | : | : | : | 1 | 5.00 | 25.00 | 25.00 |
| Lot 6 | 9 | : | : | : | : | : | 1 | 5.00 | 25.00 | 25.00 |
| Smith & Coats | 10 | : | : | : | : | : | 1 | 100.00 | 25.00 | 25.00 |
| Lot 7 | 11 | : | : | : | : | : | 1 | 100.00 | 25.00 | 25.00 |
| Smith & Coats | | : | : | : | : | : | 1 | : | : | : |
| Lot 8 | | : | : | : | : | : | 1 | : | : | : |
| Smith & Coats | | : | : | : | : | : | 1 | : | : | : |
| Lot 9 | | : | : | : | : | : | 1 | : | : | : |
| Ada Mills | | : | : | : | : | : | 1 | : | : | : |
| Lot 10 | | : | : | : | : | : | 1 | : | : | : |
| Ada Mills | | : | : | : | : | : | 1 | : | : | : |
| Lot 11 | | : | : | : | : | : | 1 | : | : | : |
| Ada Mills | | : | : | : | : | : | 1 | : | : | : |

TOWN OF WILTON

143

LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | | | | | |
|----------------------------------|-----------|------|---|---|---|-----|--------|---------|-------|
| P. S. Kinsworthy Lot 5 Blk 20 | : 5 : | 20 : | : | : | : | 1 : | 20.00: | 25.00 : | 25.00 |
| P. S. Kinsworthy Lot 6 | : 6 : | : | : | : | : | 1 : | 20.00: | 25.00 : | 25.00 |
| P. S. Kinsworthy Lot 7 | : 7 : | : | : | : | : | 1 : | 20.00: | 25.00 : | 25.00 |
| P. S. Kinsworthy Lot 8 | : 8 : | : | : | : | : | 1 : | 20.00: | 25.00 : | 25.00 |
| P. S. Kinsworthy Lot 9 | : 9 : | : | : | : | : | 1 : | 20.00: | 25.00 : | 25.00 |
| Smith & Coats Pt. Lot 10 | : Pt 10 : | : | : | : | : | 3 : | 20.00: | 15.00 : | 15.00 |
| Joel Mills Pt Lot 10 | : Pt 10 : | : | : | : | : | 3 : | 5.00: | 15.00 : | 15.00 |
| J. W. Pipkin Pt Lot 10 | : Pt 10 : | : | : | : | : | 3 : | 30.00: | 15.00 : | 15.00 |
| H. N. Lay Pt Lot 10 | : Pt 10 : | : | : | : | : | 3 : | 30.00: | 15.00 : | 15.00 |
| E. C. Henry Pt lot 10 | : Pt 10 : | : | : | : | : | 3 : | 5.00: | 15.00 : | 15.00 |
| E. C. Henry Pt Lot 11 | : Pt 11 : | : | : | : | : | 3 : | 5.00: | 15.00 : | 15.00 |
| Smith & Coats Pt Lot 11 | : Pt 11 : | : | : | : | : | 3 : | 20.00: | 15.00 : | 15.00 |
| State Pt Lot 11 | : Pt 11 : | : | : | : | : | 3 : | : | : | : |
| J. W. Pipkin Pt Lot 11 | : Pt 11 : | : | : | : | : | 3 : | 30.00: | 15.00 : | 15.00 |
| H. N. Lay Pt Lot 11 | : Pt 11 : | : | : | : | : | 3 : | 30.00: | 15.00 : | 15.00 |
| Smith & Coats Pt Lot 12 | : Pt 12 : | : | : | : | : | 3 : | 20.00: | 15.00 : | 15.00 |
| E. C. Henry Pt Lot 12 | : Pt 12 : | : | : | : | : | 3 : | 5.00: | 15.00 : | 15.00 |
| H. N. Lay Pt Lot 12 | : Pt 12 : | : | : | : | : | 3 : | 5.00: | 15.00 : | 15.00 |
| H. N. Lay Pt Lot 12 | : Pt 12 : | : | : | : | : | 3 : | 5.00: | 15.00 : | 15.00 |

| LOT / BLOCK / SEC / TP / NO / AREA / ZONE / VALUE / PER ACRE / PER FRAGT. | | | | | | | | | |
|---|-------------|---|---|---|---|---|---|--------|-----------------|
| J. H. Mize | | | | | | | | | |
| Pt Lot 13 Blk 20 | : Pt 13: 20 | : | : | : | : | 3 | : | 150.00 | : 15.00 : 15.00 |
| S. S. P. Mills & Son | | | | | | | | | |
| Pt Lot 13 being | : Pt 13: | : | : | : | : | 3 | : | 25.00 | : 15.00 : 15.00 |
| more particularly | | | | | | | | | |
| described as follows: | | | | | | | | | |
| to-wit: Commence at | | | | | | | | | |
| the SW corner of Lot | | | | | | | | | |
| 14-Blk 20; run thence | | | | | | | | | |
| 70 ft. West 30 ft to | | | | | | | | | |
| Main St. South along | | | | | | | | | |
| Main St. 70 ft East | | | | | | | | | |
| along Texarkana Ave. | | | | | | | | | |
| 30 ft to point of | | | | | | | | | |
| beginning. | | | | | | | | | |
| Vaughan Pipkin | | | | | | | | | |
| Pt Lot 13 Blk 20 | : Pt 13: | : | : | : | : | 3 | : | 20.00 | : 15.00 : 15.00 |
| Vaughan Pipkin | | | | | | | | | |
| Pt L 13 | : Pt 13: | : | : | : | : | 3 | : | 20.00 | : 15.00 : 15.00 |
| J. H. Mize | | | | | | | | | |
| Pt L 14 | : Pt 14: | : | : | : | : | 2 | : | 150.00 | : 20.00 : 20.00 |
| State | | | | | | | | | |
| Pt L 14 | : Pt 14: | : | : | : | : | 2 | : | 10.00 | : 25.00 : 25.00 |
| H. M. Weaver | | | | | | | | | |
| Pt L. 16 | : Pt 15: | : | : | : | : | 2 | : | 50.00 | : 25.00 : 25.00 |
| G. W. Lewis | | | | | | | | | |
| Pt L. 16 | : Pt 16: | : | : | : | : | 2 | : | 10.00 | : 25.00 : 25.00 |
| Ark T & Bnkg Co | | | | | | | | | |
| Pt L 17 | : Pt 17: | : | : | : | : | 2 | : | 10.00 | : 25.00 : 25.00 |
| Ark T. & Bnkg Co | | | | | | | | | |
| Pt L 18 | : Pt 18: | : | : | : | : | 2 | : | 10.00 | : 25.00 : 25.00 |
| Ark T & Bnkg Co | | | | | | | | | |
| Pt L 19 | : Pt 19: | : | : | : | : | 2 | : | 10.00 | : 25.00 : 25.00 |
| Ark T & Bnkg Co | | | | | | | | | |
| Pt L 20 | : Pt 20: | : | : | : | : | 2 | : | 10.00 | : 25.00 : 25.00 |
| Ark T & Bnkg Co | | | | | | | | | |
| Lot 21 | : 21: | : | : | : | : | 1 | : | 10.00 | : 25.00 : 25.00 |
| Ark T & Bnkg Co | | | | | | | | | |
| Lot 22 | : 22: | : | : | : | : | 1 | : | 10.00 | : 25.00 : 25.00 |

NOTIN 20 HNOT

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| | LOT | BLOCK | SEC | TP | R/C | AREA | ZONE | VALUE | /BEN PER ACRE | BEN PER TRACT |
|----------------------------------|--------|-------|-----|----|-----|------|------|--------------|---------------|---------------|
| Ark T & Bnkg Co Lot 23 Blk 20 | : 23 : | 20 | : | : | : | : | : | 1 : 10.00 : | 25.00 | : 25.00 |
| Ark T & Bnkg Co Lot 24 | : 24 : | : | : | : | : | : | : | 1 : 10.00 : | 25.00 | : 25.00 |
| E. C. Henry Lot 1 Blk 21 | : 1 : | 21 | : | : | : | : | : | 1 : 200.00 : | 25.00 | : 25.00 |
| E. C. Henry Lot 2 | : 2 : | : | : | : | : | : | : | 1 : 25.00 : | 25.00 | : 25.00 |
| E. C. Henry Lot 3 | : 3 : | : | : | : | : | : | : | 1 : 25.00 : | 25.00 | : 25.00 |
| W. A. Pettigrew Lot 4 | : 4 : | : | : | : | : | : | : | 1 : 150.00 : | 25.00 | : 25.00 |
| W. A. Pettigrew Lot 5 | : 5 : | : | : | : | : | : | : | 1 : 150.00 : | 25.00 | : 25.00 |
| W. A. Pettigrew Lot 6 | : 6 : | : | : | : | : | : | : | 1 : 25.00 : | 25.00 | : 25.00 |
| W. A. Pettigrew Lot 7 | : 7 : | : | : | : | : | : | : | 1 : 25.00 : | 25.00 | : 25.00 |
| W. A. Pettigrew Lot 8 | : 8 : | : | : | : | : | : | : | 1 : 10.00 : | 25.00 | : 25.00 |
| M. A. Pettigrew Lot 9 | : 9 : | : | : | : | : | : | : | 1 : 10.00 : | 25.00 | : 25.00 |
| E. C. Henry Lot 10 | : 10 : | : | : | : | : | : | : | 1 : 5.00 : | 25.00 | : 25.00 |
| E. C. Henry Lot 11 | : 11 : | : | : | : | : | : | : | 1 : 5.00 : | 25.00 | : 25.00 |
| E. C. Henry Lot 12 | : 12 : | : | : | : | : | : | : | 1 : 5.00 : | 25.00 | : 25.00 |
| J. E. Smith Lot 1 Blk 22 | : 1 : | 22 | : | : | : | : | : | 3 : 10.00 : | 15.00 | : 15.00 |
| Mrs. E. A. Mackey Lot 2 | : 2 : | : | : | : | : | : | : | 3 : 40.00 : | 15.00 | : 15.00 |
| Mrs. E. A. Mackey Lot 3 | : 3 : | : | : | : | : | : | : | 3 : 40.00 : | 15.00 | : 15.00 |
| Mrs. E. A. Mackey Lot 4 | : 4 : | : | : | : | : | : | : | 3 : 40.00 : | 15.00 | : 15.00 |

TOWN OF WILSON

146

LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | |
|-------------------|------------------------|----------------|-------|----------|
| Mrs. E. A. Mackey | : 6 : 22 : | : 3 : 40.00 : | 15.00 | : 15.00 |
| Lot 6 Blk 22 | | | | |
| Mrs. E. A. Mackey | : 7 : | : 3 : 50.00 : | 15.00 | : 15.00 |
| Lot 7 | | | | |
| Vaughan Pipkin | : 8 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 8 | | | | |
| Ark T & Bnkg Co | : 9 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 9 | | | | |
| Ark T & Bnkg Co. | : 10 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 10 | | | | |
| Ark T. & Bnkg Co | : 11 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 11 | | | | |
| Ark T & Bnkg Co | : 12 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 12 | | | | |
| Ark T & Bnkg Co | : 13 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 13 | | | | |
| Ark T & Bnkg Co | : 14 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 14 | | | | |
| Ark T & Bnkg Co | : 15 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 15 | | | | |
| Ark T & Bnkg Co | : 16 : | : 3 : 10.00 : | 15.00 | : 15.00 |
| Lot 16 | | | | |
| J. E. Smith | : All : 23 : (16 lots) | : 3 : 75.00 : | 15.00 | : 240.00 |
| All Blk 23 | | | | |
| L. T. Greer | : 1 : 24 : | : 2 : 100.00 : | 20.00 | : 20.00 |
| Lot 1 Blk 24 | | | | |
| L. T. Greer | : 2 : | : 2 : 100.00 : | 20.00 | : 20.00 |
| Lot 2 | | | | |
| L. T. Greer | : 3 : | : 2 : 50.00 : | 20.00 | : 20.00 |
| Lot 3 | | | | |
| Joel Mills | : 4 : | : 2 : 10.00 : | 20.00 | : 20.00 |
| Lot 4 | | | | |
| Joel Mills | : 5 : | : 2 : 10.00 : | 20.00 | : 20.00 |
| Lot 5 | | | | |
| Joel Mills | : 6 : | : 2 : 10.00 : | 20.00 | : 20.00 |
| Lot 6 | | | | |
| J. M. Vealey | : 7 : | : 2 : 150.00 : | 20.00 | : 20.00 |
| Lot 7 | | | | |

TOWNSHIP OF WILTON

147

| LOT / BLDG / SEC / TP / RG / AREA / ZONE / | VALUE / | BEN PER ACRE / | BEN PER TRACT. |
|--|---------|----------------|----------------|
| : 8 : 24 : | : 2 : | 10.00 : | 20.00 : |
| : 9 : | : 2 : | 10.00 : | 20.00 : |
| : 10 : | : 2 : | 10.00 : | 20.00 : |
| : 11 : | : 2 : | 10.00 : | 20.00 : |
| : 12 : | : 2 : | 10.00 : | 20.00 : |
| : 1 : 26 : | : 2 : | 5.00 : | 20.00 : |
| : 2 : | : 2 : | 5.00 : | 20.00 : |
| : 3 : | : 2 : | 5.00 : | 20.00 : |
| : 4 : | : 2 : | 5.00 : | 20.00 : |
| : 5 : | : 2 : | 5.00 : | 20.00 : |
| : 6 : | : 2 : | 5.00 : | 20.00 : |
| : 7 : | : 2 : | 5.00 : | 20.00 : |
| : 8 : | : 2 : | 5.00 : | 20.00 : |
| : 9 : | : 2 : | 75.00 : | 20.00 : |
| : 10 : | : 2 : | 75.00 : | 20.00 : |
| : 11 : | : 2 : | 75.00 : | 20.00 : |
| : 12 : | : 2 : | 75.00 : | 20.00 : |
| : 13 : | : 2 : | 10.00 : | 20.00 : |
| : 14 : | : 2 : | 10.00 : | 20.00 : |

J. M. Vealey

Lot 8 Blk 24

J. M. Vealey

Lot 9

J. M. Vealey

Lot 10

J. M. Vealey

Lot 11

J. M. Vealey

Lot 12

Mrs A. L. Cathy

Lot 1 Blk 26

Mrs. A. L. Cathy

Lot 2

Mrs. A. L. Cathy

Lot 3

Mrs. A. L. Cathy

Lot 4

Mrs. A. L. Cathy

Lot 5

Mrs. A. L. Cathy

Lot 6

Mrs. A. L. Cathy

Lot 7

Mrs. A. L. Cathy

Lot 8

R. Russell

Lot 9

R. Russell

Lot 10

R. Russell

Lot 11

R. Russell

Lot 12

A. L. Cathy

Lot 13

A. L. Cathy

| | | | | | | | | |
|--------------------|--------|------|---|-----|----------|---------|---|-------|
| A. L. Cathey | : 15 : | 25 : | : | 2 : | 10.00 : | 20.00 : | : | 20.00 |
| Lot 15 Blk 25 | : | : | : | : | : | : | : | |
| A. L. Cathey | : 16 : | : | : | : | 10.00 : | 20.00 : | : | 20.00 |
| Lot 16 | : | : | : | : | : | : | : | |
| A. L. Cathey | : 17 : | : | : | : | 10.00 : | 20.00 : | : | 20.00 |
| Lot 17 | : | : | : | : | : | : | : | |
| A. L. Cathey | : 18 : | : | : | : | 10.00 : | 20.00 : | : | 20.00 |
| Lot 18 | : | : | : | : | : | : | : | |
| Mills & Son | : 1 : | 26 : | : | : | 50.00 : | 25.00 : | : | 25.00 |
| Lot 1 Blk 26 | : | : | : | : | : | : | : | |
| Mills & Son | : 2 : | : | : | : | 50.00 : | 25.00 : | : | 25.00 |
| Lot 2 | : | : | : | : | : | : | : | |
| Mills & Son | : 3 : | : | : | : | 50.00 : | 25.00 : | : | 25.00 |
| Lot 3 | : | : | : | : | : | : | : | |
| Mills & Son | : 4 : | : | : | : | 50.00 : | 25.00 : | : | 25.00 |
| Lot 4 | : | : | : | : | : | : | : | |
| Mrs. Maggie Toland | : 5 : | : | : | : | 200.00 : | 25.00 : | : | 25.00 |
| Lot 5 | : | : | : | : | : | : | : | |
| Mrs. Maggie Toland | : 6 : | : | : | : | 200.00 : | 25.00 : | : | 25.00 |
| Lot 6 | : | : | : | : | : | : | : | |
| Mrs. Maggie Toland | : 7 : | : | : | : | 200.00 : | 25.00 : | : | 25.00 |
| Lot 7 | : | : | : | : | : | : | : | |
| Mills & Son | : 8 : | : | : | : | 100.00 : | 20.00 : | : | 20.00 |
| Lot 8 | : | : | : | : | : | : | : | |
| Mills & Son | : 9 : | : | : | : | 10.00 : | 20.00 : | : | 20.00 |
| Lot 9 | : | : | : | : | : | : | : | |
| Mills & Son | : 10 : | : | : | : | 10.00 : | 20.00 : | : | 20.00 |
| Lot 10 | : | : | : | : | : | : | : | |
| Mrs. A. Chambers | : 1 : | 27 : | : | : | 25.00 : | 15.00 : | : | 15.00 |
| Lot 1 Blk 27 | : | : | : | : | : | : | : | |
| Mrs. A. Chambers | : 2 : | : | : | : | 25.00 : | 15.00 : | : | 15.00 |
| Lot 2 | : | : | : | : | : | : | : | |
| Mrs. A. Chambers | : 3 : | : | : | : | 25.00 : | 15.00 : | : | 15.00 |
| Lot 3 | : | : | : | : | : | : | : | |
| Mrs. A. Chambers | : 4 : | : | : | : | 25.00 : | 15.00 : | : | 15.00 |
| Lot 4 | : | : | : | : | : | : | : | |
| Mrs. A. Chambers | : 5 : | : | : | : | 25.00 : | 15.00 : | : | 15.00 |
| Lot 5 | : | : | : | : | : | : | : | |

TOWN OF WILTON

149

LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | |
|------------------|----------|-----|---------|---------|-------|
| Mrs. A. Chambers | 6 : 27 : | 3 : | 25.00 : | 15.00 : | 15.00 |
| Lot 6 Blk 27 | | | | | |
| W. K. Switzer | 7 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 7 | | | | | |
| W. K. Switzer | 8 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 8 | | | | | |
| W. K. Switzer | 9 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 9 | | | | | |
| W. K. Switzer | 10 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 10 | | | | | |
| W. K. Switzer | 11 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 11 | | | | | |
| W. K. Switzer | 12 : | 3 : | 5.00 : | 15.00 : | 15.00 |
| Lot 12 | | | | | |
| W. K. Switzer | 13 : | 3 : | 5.00 : | 15.00 : | 15.00 |
| Lot 13 | | | | | |
| Ark T & Bnkg Co | 14 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 14 | | | | | |
| Ark T & Bnkg Co | 15 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 15 | | | | | |
| Ark T & Bnkg Co | 16 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 16 | | | | | |
| Ark T & Bnkg Co | 17 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 17 | | | | | |
| Ark T & Bnkg Co | 18 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 18 | | | | | |
| Ark T & Bnkg Co | 19 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 19 | | | | | |
| Ark T & Bnkg Co | 20 : | 3 : | 10.00 : | 15.00 : | 15.00 |
| Lot 20 | | | | | |
| W. K. Switzer | 21 : | 3 : | 5.00 : | 15.00 : | 15.00 |
| Lot 21 | | | | | |
| W. K. Switzer | 22 : | 3 : | 5.00 : | 15.00 : | 15.00 |
| Lot 22 | | | | | |
| W. K. Switzer | 23 : | 3 : | 5.00 : | 15.00 : | 15.00 |
| Lot 23 | | | | | |

| LOT | BLOCK | SEC | TF | NC | AREA | ZONE | VALUE | TEN PER ACRE | PER ACRE | PER TRACT |
|---------------|-------|-----|----|----|------|------|--------|--------------|----------|-----------|
| E. C. Cooper | | | | | | | | | | |
| Lot 25 Blk 27 | 25 | 27 | | | | 3 | 10.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 26 | 26 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 1 Blk 30 | 1 | 30 | | | | 3 | 105.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 2 | 2 | | | | | 3 | 100.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 3 | 3 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 4 | 4 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 5 | 5 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 6 | 6 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 7 | 7 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 8 | 8 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| E. C. Cooper | | | | | | | | | | |
| Lot 9 | 9 | | | | | 3 | 15.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 10 | 10 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 11 | 11 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 12 | 12 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 13 | 13 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 14 | 14 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 15 | 15 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 16 | 16 | | | | | 3 | 10.00 | 15.00 | | 15.00 |
| D. L. Pipkin | | | | | | | | | | |
| Lot 17 | 17 | | | | | 3 | 75.00 | 15.00 | | 15.00 |

TOWN OF WILTON

151

LOT / BLOCK / SEC / TP / RC / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | | | |
|-------------------|-------------------------------|------------------------------|-------|----------|---------|-------|
| J. H. Mize | S $\frac{1}{2}$ Lot 17 Blk 30 | S $\frac{1}{2}$ 17: 30 : | : 3 : | 100.00 : | 15.00 : | 15.00 |
| D. L. Pipkin | M $\frac{1}{2}$ Lot 18 | M $\frac{1}{2}$ 18: : | : 3 : | 75.00 : | 15.00 : | 15.00 |
| J. H. Mize | S $\frac{1}{2}$ Lot 18 | S $\frac{1}{2}$ 18: : | : 3 : | 100.00 : | 15.00 : | 15.00 |
| Joel Mills | M $\frac{1}{2}$ Blk 31 | M $\frac{1}{2}$ 31: (3 lots) | : 3 : | 150.00 : | 15.00 : | 15.00 |
| Wilton Ware House | S $\frac{1}{2}$ Blk 31 | S $\frac{1}{2}$ 31: (2 lots) | : 3 : | 400.00 : | 15.00 : | 15.00 |
| A. L. Cathey | Lot 1 Blk 32 | : 1: 32 : | : 2 : | 5.00 : | 20.00 : | 20.00 |
| A. L. Cathey | Lot 2 | : 2: : | : 2 : | 5.00 : | 20.00 : | 20.00 |
| A. L. Cathey | Lot 3 | : 3: : | : 2 : | 5.00 : | 20.00 : | 20.00 |
| A. L. Cathey | Lot 4 | : 4: : | : 2 : | 5.00 : | 20.00 : | 20.00 |
| A. L. Cathey | Lot 5 | : 5: : | : 2 : | 5.00 : | 20.00 : | 20.00 |
| A. L. Cathey | Lot 6 | : 6: : | : 2 : | 5.00 : | 20.00 : | 20.00 |
| Evaline Still | Lot 7 | : 7: : | : 2 : | 25.00 : | 20.00 : | 20.00 |
| Evaline Still | Lot 8 | : 8: : | : 2 : | 25.00 : | 20.00 : | 20.00 |
| James Still | Lot 9 | : 9: : | : 2 : | 25.00 : | 20.00 : | 20.00 |
| Henry Still | Lot 10 | : 10: : | : 2 : | 75.00 : | 20.00 : | 20.00 |
| Owan A. Strawn | Lot 11 | : 11: : | : 2 : | 75.00 : | 20.00 : | 20.00 |
| Owan A. Strawn | Lot 12 | : 12: : | : 2 : | 75.00 : | 20.00 : | 20.00 |

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TOWN OF WILTON

| LOT / BLOCK / SEC / TP / RG / AREA / ZONE / | VALUE / BEN PER ACRE / BEN PER TRACT | | | | |
|---|--------------------------------------|-------|---|-------|---|
| Negro M E Church Lot 3 Blk 33 | 3 : 33 : | : | : | : | : |
| Negro M E Church Lot 4 | : | : | : | : | : |
| Odd Fellows Hall Lot 5 | 3 : 150.00 : | 15.00 | : | 15.00 | : |
| Von F. Pipkin Lot 6 | 3 : 10.00 : | 15.00 | : | 15.00 | : |
| Bell Atkins Lot 7 | 3 : 50.00 : | 15.00 | : | 15.00 | : |
| Ben Cook Lot 8 | 3 : 75.00 : | 15.00 | : | 15.00 | : |
| Ben Cook Lot 9 | 3 : 75.00 : | 15.00 | : | 15.00 | : |
| Wm Herrin Lot 10 | 3 : 50.00 : | 15.00 | : | 15.00 | : |
| Mary E Talley Lot 11 | 3 : 10.00 : | 15.00 | : | 15.00 | : |
| Hardy Thompson Lot 12 | 3 : 75.00 : | 15.00 | : | 15.00 | : |
| Mary E. Talley Lot 13 | 3 : 10.00 : | 15.00 | : | 15.00 | : |
| Eliza Crossland Lot 14 | 3 : 75.00 : | 15.00 | : | 15.00 | : |
| Eliza Crossland Lot 15 | 3 : 50.00 : | 15.00 | : | 15.00 | : |
| Mary E. Talley Lot 16 | 3 : 10.00 : | 15.00 | : | 15.00 | : |
| Mary E. Talley Lot 17 | 3 : 10.00 : | 15.00 | : | 15.00 | : |
| Geo Byers Lot 18 | 3 : 50.00 : | 15.00 | : | 15.00 | : |
| Wilton Gin Co Lot 1 Blk 34 | 4 : 65.00 : | 10.00 | : | 10.00 | : |
| Wilton Gin Co Lot 2 | 4 : 65.00 : | 10.00 | : | 10.00 | : |
| Wilton Gin Co. Lot 3 | 4 : 65.00 : | 10.00 | : | 10.00 | : |

TOWN OF WILTON

163

LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | |
|----------------|---------------|-------|---|-------|
| Wilton Cin Co | : 4 : 55.00 : | 10.00 | : | 10.00 |
| Lot 4 Blk 34 | | | | |
| Wilton Cin Co | : 4 : 55.00 : | 10.00 | : | 10.00 |
| Lot 5 | | | | |
| Wilton Cin Co | : 4 : 75.00 : | 10.00 | : | 10.00 |
| Lot 6 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 7 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 8 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 9 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 10 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 11 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 12 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 13 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 14 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 15 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 16 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 17 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 18 | | | | |
| S. J. Gordon | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 19 | | | | |
| Mary E. Talley | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 20 | | | | |
| J. A. Bryant | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Lot 1 Blk 36 | : 4 : 50.00 : | 10.00 | : | 10.00 |

LOT / BLOCK / SEC / TP / HG / AREA / ZONE / VALUE / DMS PER ACRE / DMS PER TRACT.

| | | | | |
|--------------------------------|---------------|-------|---|-------|
| Mary E. Talley Lot 3 Blk 36 | : 4 : 50.00 : | 10.00 | : | 10.00 |
| Maude Campbell Lot 4 | : 4 : 50.00 : | 10.00 | : | 10.00 |
| Maude Campbell Lot 5 | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Maude Campbell Lot 6 | : 4 : 10.00 : | 10.00 | : | 10.00 |
| Maude Campbell Lot 7 | : 4 : 5.00 : | 10.00 | : | 10.00 |
| S. J. Gordon Lot 8 | : 4 : 5.00 : | 10.00 | : | 10.00 |
| S. J. Gordon Lot 9 | : 4 : 5.00 : | 10.00 | : | 10.00 |
| Chevers Hill Lot 1 Blk 36 | : 3 : 50.00 : | 15.00 | : | 15.00 |
| Willie Cook Lot 2 | : 3 : 50.00 : | 15.00 | : | 15.00 |
| Willie Cook Lot 3 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| E. H. Nelson Lot 4 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| E. H. Nelson Lot 5 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| Miller & Wright Lot 6 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| Baptist Church Lot 7 | : 3 : : | | : | |
| Baptist Church Lot 8 | : 3 : : | | : | |
| Mary E. Talley Lot 9 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| Mary E. Talley Lot 10 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| Mary E. Talley Lot 11 | : 3 : 10.00 : | 15.00 | : | 15.00 |
| Rosa E. Duckett Lot 12 | : 3 : 50.00 : | 15.00 | : | 15.00 |

TOWN OF WILTON

185

LOT / BLOCK / SEC / TP / RG / AREA / ZONE / VALUE / BEN PER ACRE / BEN PER TRACT.

| | | | | |
|------------------|-----|----------|---------|---------|
| Mary E. Talley | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 13 Blk 36 | | | | |
| Mary E. Talley | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 14 | | | | |
| Mary E. Talley | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 15 | | | | |
| Mary E. Talley | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 16 | | | | |
| Hettie Cook | : 3 | : 25.00 | : 15.00 | : 15.00 |
| Lot 17 | | | | |
| E. H. Nelson | : 3 | : 50.00 | : 15.00 | : 15.00 |
| Lot 18 | | | | |
| E. H. Nelson | : 3 | : 50.00 | : 15.00 | : 15.00 |
| Lot 19 | | | | |
| E. H. Nelson | : 3 | : 50.00 | : 15.00 | : 15.00 |
| Lot 20 | | | | |
| Lee Duckett | : 3 | : 25.00 | : 15.00 | : 15.00 |
| Lot 1 Blk 37 | | | | |
| Florence Beavers | : 3 | : 25.00 | : 15.00 | : 15.00 |
| Lot 2 | | | | |
| Lee Duckett | : 3 | : 25.00 | : 15.00 | : 15.00 |
| Lot 3 | | | | |
| Robt Gilliam | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 4 | | | | |
| R. Moore | : 3 | : 25.00 | : 15.00 | : 15.00 |
| Lot 5 | | | | |
| Chas Covington | : 3 | : 50.00 | : 15.00 | : 15.00 |
| Lot 6 | | | | |
| G. W. Lewis | : 3 | : 100.00 | : 15.00 | : 15.00 |
| Lot 7 | | | | |
| Geo Lewis | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 8 | | | | |
| M. E. Talley | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 9 | | | | |
| M. E. Talley | : 3 | : 10.00 | : 15.00 | : 15.00 |
| Lot 10 | | | | |

[illegible]

MILLS ADDITION TO WILTON

| | | | | |
|--------------|---------|---|--------|-------|
| State | 2 Blk 3 | 4 | 10.00 | 10.00 |
| Lot | | | | |
| State | 2 Blk 6 | 4 | 1 | 10.00 |
| Lot | | | | |
| State | 4 Blk 8 | 4 | | 10.00 |
| Lot | | | | |
| State | 4 Blk 9 | 4 | | |
| Lot | | | | |
| N. O. White | | | | |
| Lot 2 Blk 10 | | 4 | 50.00 | 10.00 |
| State | | | | |
| Lot 4 | | 4 | | |
| N. M. Sykes | | | | |
| All Blk 14 | | 4 | 250.00 | 10.00 |
| State | | | | |
| Lot 4 Blk 18 | | 4 | | |
| State | | | | |
| Lot 4 Blk 19 | | 4 | | 10.00 |
| Joel Mills | | | | |
| Lot 4 Blk 20 | | 4 | 25.00 | 10.00 |
| Joel Mills | | | | |
| Lot 4 Blk 21 | | 4 | 125.00 | 10.00 |

| MILLS ADDITION TO WILTON | | | | 157 |
|---------------------------------|-------|------------------------------|---------|--------------|
| LOT/BLOCK/SEC/TP/BLG/AREA/ZONE/ | VALUE | /RES PER ACRE/RES PER TRACT. | | |
| Joel Mills | | | | |
| Lot 5 Blk 21 | : 4 : | 125.00 : 10.00 | : 10.00 | |
| Joel Mills | | | | |
| N Pt Blk 23 | : 4 : | 10.00 : 10.00 | : 10.00 | |
| Mrs S P Moseley | | | | |
| 3 Pt Blk 23 | : 4 : | 10.00 : 10.00 | : 10.00 | |
| T. B. Delaney | | | | |
| Lot 1 Blk 24 | : 4 : | 30.00 : 10.00 | : 10.00 | |
| T. B. Delaney | | | | |
| Lot 2 | : 4 : | 35.00 : 10.00 | : 10.00 | |
| State | | | | |
| Lot 3 | : 4 : | | : | |
| State | | | | |
| Lot 4 | : 4 : | | : | |
| State | | | | |
| Lot 5 | : 4 : | | : | |
| State | | | | |
| Lot 9 Blk | : 4 : | | : | |
| The Kansas City Southern | | | | |
| Railway Company | | | | |
| 9.7 miles of main line and | | | | |
| 1.68 miles of side track and | | | | |
| building, situated within said | | | | |
| District | : 1 : | \$270,220.00 : 7000.00 | per mi. | 67,900.00 |
| Prairie Pipe Line | | | | |
| Company | | | | |
| 5.6 miles of pipe line and | | | | |
| telegraph line, situated | | | | |
| within said District | : 2 : | 74,932.00 : 2500.00 | per mi. | 13,715.00 |
| Southwestern Bell | | | | |
| Telephone Company | | | | |
| 9.7 miles situated with- | | | | |
| in said District | : 1 : | 1,920.60 : 300.00 | per mi. | 2,910.00 |
| Western Union | | | | |
| Telegraph Company | | | | |
| 9.7 miles situated with- | | | | |
| in said District | : 1 : | 3,395.00 : 300.00 | Per mi. | 2,910.00 |
| TOTAL. | | \$360,467.00 | | \$309,376.00 |

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IN THE LITTLE RIVER COUNTY COURT.

IN THE MATTER OF ROAD
IMPROVEMENT DISTRICT NO. 6
LITTLE RIVER CO. ARK. --

REPORT OF ASSESSORS

To the Board of Commissioners of Road Improvement Dist. No. 6.
Little River County, Ark.

In compliance with the order of the Little River County Court and your instructions of July 18th, 1918, relative to the assessment of benefits in Road Improvement District No. 6 of Little River County, Arkansas. We, the undersigned, heretofore duly appointed by the Judge of Little River County Court, as assessors for said Road Improvement District, beg leave to report as follows, to-wit:

We met at the office of the Mayor in the Town of Ashdown, Little River County, Arkansas, on the 29th day of July, 1918, having taken the oath of Assessors, prior to said time, and proceeded to assess the benefits against the several and particular tracts of land and other property in said Improvement District No. 6 and transmit said assessment of benefits herewith to you.

We believe said assessment, as hereinafter set out is fair, just and equal to all land owners in said District, and should be adopted as the assessment of benefits in said District, and we believe that no damages accrue to any property in said District by reason of said Road Improvement; and hence, assess no damages.

In Witness Whereof, we hereunto set our hands on this the 31 day

of July, 1918.

(Seal)

A. N. Wood
C. E. May
B. S. Thrash
Board of Assessors, Road Imp. Dist. No 6
Little River County, Ark.

Filed with Board of Commissioners
this 31st day of July, 1918.

Joel Mills,
Secretary

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IN RE ROAD IMPROVEMENT DIST. NO 6 IN THE COUNTY COURT OF LITTLE RIVER CO.
OF LITTLE RIVER CO.

REPORT OF COMMISSIONERS.
TRANSMITTING ASSESSMENT.

We, the undersigned Commissioners for Road Improvement District No. 6 of Little River Co., Arkansas, transmit herewith the assessment of benefits as made and certified to by the Assessors of Road Improvement District No. 6, of Little River County, Arkansas, on the 31st day of July, 1918.

We ask that the same be filed and that an order be made and entered by this Court, directing that a date be fixed for a hearing on said assessment, and that the Clerk of this Court be directed to give notice thereof.

Respectfully Submitted,

N. D. Cooper,
President.
Joel Mills,

Secretary.
P. S. Kinneworthy, (Seal)

Member of Com.
Board of Commissioners of Road Improve-
ment Dist. No. 6 of Little River County,
Arkansas.

This Aug. 5th, 1918

Filed in open Court this the 5th day of August, 1918.

Chas. H. Park, Clerk.
W. J. Denson, D. C.

In the County Court of Little River County.

In the Matter of ROAD IMPROVEMENT DISTRICT No. 6 of Little River County, Ark.

Now on this day, the 23rd day of August, 1918, a day of the July, 1918 term of this Court, the Court finds that the Commissioners of Road Improvement District No. 6 has filed herein assessment of benefits of said district and the same has been approved and the estimated cost of said improvement having been heretofore filed.

And it appearing that the estimated cost of the improvement contemplated herein is \$101,888.66 and it further appearing that ten per cent thereof is \$10,188.88 and the Court being of the opinion that it is proper at this time to make an order adding ten per cent of the sum of money designated as the estimated cost above thereto, to cover unforeseen contingencies and that a tax be levied and assessed upon the real property in the district sufficient to pay said estimated cost with ten per cent added thereto, in proportion of the amount of assessment of benefits thereon as provided by law, it is therefore considered, ordered and adjudged by the Court that a tax be and the same is hereby levied and assessed in said district to pay the sum of \$101,888.86 and ten per cent thereon, or \$10,188.88 for unforeseen contingencies, or a total of \$112,077.74 and in addition thereto a sum of money sufficient to cover all interest charges not exceeding
161 six per cent per annum for a period of time not exceeding 20 years, upon any bond issue which may later be made by said district, in the above sum or any portion thereof, which tax is to be paid by the real property of the district in the proportion that the amount of the assessed benefits on each tract of land, Railroad or tram road, or other real property in the district bears to the total amount above set out, which is to be paid in annual installments at a rate to be fixed by the Board of Commissioners of said district by proper resolutions not later than the 1st day of September annually, and not to exceed 20% of the assessed benefits in any one year, and this tax shall be a prior lien and entitled to a preference over all demands, executions and encumbrances whatever, created from and after this date and shall continue in force and effect until said assessment and levy with all cost and penalties that may accrue have been paid.

Proceedings of August 23rd, 1918.

July term 1918. "K" 34.

No. 1201.

162 In the Matter of ROAD IMPROVEMENT DISTRICT NUMBER SIX
Little River County, Arkansas.

Levy of 3% Tax.

On this day comes on to be heard the resolution passed by the Board of Commissioners of said Road Improvement District fixing and levying a tax of three per cent against the assessment of benefits on the real property within said district, that the court finds that same was filed before the 1st day of September as required by law, and that said tax should be levied.

It is therefore, considered, ordered and adjudged and decreed by the court that a tax of three per cent is hereby levied on the assessment of benefits against the real property within Road Improvement District No. 6 and that the same be extended and collected as provided by law.

Proceedings of October 7th, 1918.

October term, 1918. "K" 39.

163 In the Little River County Court, Little River County,
Arkansas.

THE STATE OF ARKANSAS,
County of Little River:

I, Jas. H. Williams, Clerk of the Circuit Court and Ex-Officio County Clerk within and for the County and State aforesaid, do hereby certify that the foregoing and annexed sheets contain a true, correct and complete transcript of all the original pleadings and filing and orders and judgments of the Little River County Court in the matter of Road Improvement District Number 6 of Little River County, Arkansas; save and except the original plans, specifications, estimates and Assessment Record which are in custody of the Clerk subject to the order of the court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court this 23rd day of January, 1919.

JAS. H. WILLIAMS,

Clerk.

[SEAL.]

Transcript \$10.00.

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In the Circuit Court of Little River County.

re ROAD IMPROVEMENT DISTRICT NUMBER SIX, Little River
County, Arkansas.

Appeal From County Court.

Demurrer.

Comes, Road Improvement District No. 6, in Little River County, Arkansas, by its Board of Directors, and demurs to the objections to the assessment of benefits against the property of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company filed herein, and for cause, states:

1. It demurs to section numbered 1, and states that said section does not state a defense to the assessment herein, under the law, and the complainants are not entitled to any relief under the cause of action attempted to be stated in said section.

2. It demurs to Section numbered 2, for the reason that no legal defense is therein stated to the assessment herein levied, and the same does not state any cause of action or defense, either in law or equity.

3. It demurs to Section numbered 3 of the objections, for the reason that no defense is stated under the law to said assessment, or cause of action for relief, either in law or equity and the matters therein complained of are not involved in this appeal, and are not now within the jurisdiction of this court, and for the further
165 reason that the matters complained of in said Section 3 of said objections are res judicata by the judgments of the county court of Little River County.

4. It demurs to sub-division 4 of the objections, for the reason that said sub-division does not state any legal or equitable defense or cause of action for relief.

Wherefore, premises considered, prays that its demurrer be sustained, to each of the numbered subdivisions of the objections to the assessment, as hereinabove set out.

A. D. DuLANEY,
GEO. R. STEEL,
Atty's for Road District.

Filed Jan. 23, 1919.

JAS H. WILLIAMS,
Clerk.

166 In the Little River Circuit Court, Little River County, Arkansas, January Term, 1919.

In re ROAD IMPROVEMENT DISTRICT NO. SIX, Little River County, Arkansas.

Comes on for trial, the appeal of the Kansas City Southern Railway Company and the property of the Texarkana and Fort Smith Railway Company from the order of the County Court confirming the assessment of benefits as made against the real property in Road Improvement District No. 6 in Little River County, Arkansas, said Railway Companies being represented by their attorney, J. B. McDonough, and said Improvement District being represented by its attorney, A. D. DuLaney, and the demurrer of said Road Improvement District to the objections of said Railway Companies being submitted to the Court, the Court after hearing the argument of counsel, and being well and sufficiently advised, is of the opinion, and so finds:

That said demurrer should be sustained as to paragraphs 1, 2 and 3, and as to said paragraph 3 of the objections of said Railway Companies demurrer is sustained as to each subdivision thereof, lettered "A to K" inclusive, and said demurrer is also sustained as to paragraph 4 thereof, except the court reserves the right to pass upon the question of the assessment of benefits being arbitrary and confiscatory, to which findings of the Court the said Railway Companies at the time excepted to each finding of the Court as aforesaid, and their exceptions were noted of record.

167 Thereupon, both parties announcing ready for trial, the testimony of witnesses was heard in open Court, upon behalf of both parties, and after hearing the testimony and argument of counsel, and being well and sufficiently advised as to the facts and the law, the court finds:

That the assessment of benefits, as made by the Board of Assessors of said Road Improvement District, and filed in the County Court of Little River County, Arkansas, and approved and confirmed by said County Court on the 23rd day of August, 1918, should be approved and confirmed by this court.

The Court further finds that the real property of said Railway Companies in said Road Improvement District is not inequitably assessed, as compared with the assessment of benefits against other real property in said district; and that said real property of said Railway Companies will be benefited by reason of said improvement, in accordance with the benefits assessed against it, and in accordance with the cost of said improvement; and that the findings and judgment of the court herein should be certified by the Clerk of this Court, to the County Court of Little River County, Arkansas.

It is therefore, considered, ordered, adjudged and decreed by the Court that the assessment of benefits made by the Board of Assessors in said Road Improvement District, and as confirmed by the County Court of Little River County, Arkansas, on the 23rd day of August,

1918, is just and equitable as to the property of the said defendant Railway Companies, as compared with other property in said Road Improvement District; and that said real property of said
 168 Railway Companies will be benefited in accordance therewith, and in accordance with the said improvement; and that said assessment be, and the same is hereby in all things approved and confirmed, and the Clerk of this court is hereby directed to certify the findings and judgment of this court herein, to the County Court of Little River County, Arkansas; and that said Railway Companies pay the cost of this appeal, to which findings and judgment of the court said Railway Companies at the time excepted to each and all of said findings, and its exceptions were noted of record.

"Proceedings for February 19th, 1919.

Record "G", page 480-481."

169 In the Little River Circuit Court in Little River County, Arkansas, January Term, 1919.

In re ROAD IMPROVEMENT DISTRICT No. Six, Little River County, Arkansas.

Comes on to be heard the motion for a new trial of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company, in this cause, and the Court, after having fully considered the same, is of the opinion that said motion for new trial should be overruled.

It is therefore, considered, ordered, adjudged and decreed by the court that said motion for new trial be and the same is hereby overruled, to which finding and judgment of the court said Railway Companies, at the time excepted, and their exceptions were noted of record, and they prayed and were granted an appeal to the Supreme Court of the State of Arkansas, and it is adjudged that they have sixty (60) days in which to prepare and file their Bill of Exceptions.

"Proceedings of February 19th, 1919.

Record "G", page 482."

170 THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Appellants.

No. 1010½.

ROAD IMPROVEMENT DISTRICT No. 6, Little River County.

Bill of Exceptions.

Bill of Exceptions filed March 14th, 1919.

JAS. H. WILLIAMS,

Clerk.

171 In the Circuit Court of Little River County, Arkansas.

1009½.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Appellants,

v.

ROAD IMPROVEMENT DISTRICT NO. 6, LITTLE RIVER COUNTY,
Appellee.

Bill of Exceptions.

Be it remembered, that heretofore, to-wit, on the 19th day of February, 1919, being a day of the regular term of the January Court of said Circuit Court of Little River County, Arkansas, and the court being regularly in session, there came on for hearing the appeal of the Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company from assessment on the assessment of said railway companies in Road Improvement District No. 6 of Little River County. It is made to appear that in the County Court and before that Court, and on the day fixed by that Court for the hearing of all persons claiming to be aggrieved by any assessments, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company filed in writing the following objections to the assessments against the property of said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company:

172 In the County Court of Little River County, State of Arkansas.

No. 1093.

In the Matter of the ROAD IMPROVEMENT DISTRICT for Improving a Certain Road from Ashdown to Mills Ferry, and Laterals.

Objections to the Assessment of Benefits Against the Property of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company.

Come the undersigned, The Kansas City Southern Railway Company, and The Texarkana & Fort Smith Railway Company, and state their objections to the assessment of benefits against the property of The Kansas City Southern Railway Company and against the property of The Texarkana & Fort Smith Railway Company, or against the property of either of said companies.

This court nor the Board of Assessors, nor the Board of Improve-

ment have any right or power whatever to assess against the property of The Kansas City Southern Railway Company or against the property of The Texarkana & Fort Smith Railway Company, any benefits whatever for the construction of the improvement contemplated by the Improvement District or alleged Improvement District of Little River County, known and designated as Road Improvement District No. Six of Little River County, State of Arkansas. The said The Kansas City Southern Railway Company and

173 The Texarkana & Fort Smith Railway Company come into this Court now and here and allege that the Board of Assessors and the Board of Improvement of said district and this court is without any power or authority whatever to levy and fix against the property of said railway companies, any assessments of any benefits whatever for the reasons named below.

1. The Texarkana & Fort Smith Railway Company is a railroad corporation organized and existing under the laws of the State of Texas, and owns and operates a line of railroad in the State of Texas, and owns a right of way and other real property in the county of Little River, State of Arkansas, and in connection with The Kansas City Southern Railway Company operates that part of the line of railroad known as the Fort Arthur route, which is located in the State of Texas. The Kansas City Southern Railway Company operates that part of the line of said railroad system which is located in the State of Arkansas, and also in other States, but does not operate in the State of Texas, The Texarkana & Fort Smith Railway Company being the sole operator in the State of Texas. In connection with each other, as above set forth, and in connection with other carriers, the said railroad companies operate a line of railroad from Kansas City to the Gulf of Mexico. The Kansas City Southern Railway Company is a railroad corporation organized and existing under the laws of the State of Missouri, and operates a line of railroad as above set forth. The said railroads are engaged in interstate commerce. At this time all of the property of said railroad companies is being operated by the
174 United States Government and all of the property of said companies is in the control and power and direction of the United States Government. Under the authority of the act of Congress, the United States Government, through the President and the Director General of Railroads of the United States, took possession of the properties of the railroads, and has been operating the same since the first day of January, 1918, and was operating the same at the time of the attempted formation of this road improvement district and is still operating the same and will continue to operate the same as said railroad companies believe, until the present war has come to an end. And these railroad companies have no power or authority in this matter to represent the Director General of Railroads, and the Director General of Railroads is a necessary party to this proceeding, and no benefits can be assessed against said property while in the possession and under the power and

control of the Government of the United States, as the same now is under said Act of Congress. Therefore, under said Act of Congress, placing railroads in the possession of the United States Government, there is no power or authority in this court, under the laws of the State of Arkansas or the United States to assess any benefits against the properties of the railroad companies.

2. The attempted assessment of benefits, under said Act 338 of the General Assembly of the State of Arkansas is an unreasonable and unlawful burden upon interstate commerce, as the said railroad companies are engaged in interstate commerce, and the assessment of said benefits is an unreasonable burden upon said commerce.

3. The said Road Improvement District is illegal and void for the following reasons:

(a). The original petitions filed herein do not contain a majority either in number, acreage or value of the property owners in said district.

(b). The original petition contained therein sections 8, 17, 20 and 29 in Township 11 S. Range 29 West, and said sections were cut out illegally and unlawfully, thereby invalidating the legal existence of said district.

(c). Illegal and unlawful changes were made in the boundary of said improvement district.

(d). The roads attempted to be improved and described in said district are not public roads, and are not roads, the improvement of which were intended to be made under Act 338 of the Acts of 1915.

(e). The descriptions and boundaries of said Improvement District are not the same as described in the petition as they are described in the notice of publication, and therefore, said district is illegal and void, because of the misdescription of said district, as the same was published.

(f). The boundaries of said district are indefinite and uncertain, and therefore void and the description of the road and roads therein are also indefinite, uncertain and therefore void.

176 (g). The publication of the notice required before any order of the court could be made, on the subject of the formation of the district, was not had as required by law.

(h). The descriptions of the boundaries of the road improvement district as given in the notice are not the same as those in the original petition and in the court order.

(i). The alleged court order attempting to establish said district is illegal and void because there is no finding therein that the formation of the district would be for the best interests of the county and of the real property owners therein.

(j). The proceedings herein show that this alleged improvement district is organized for the purpose of building a road under the general law of the State of Arkansas authorizing the same by the county court, and therefore, said district is illegal and void, because the proceedings show an agreement or an attempted agreement between the commissioners herein and the county court, wherein a contract is attempted to be made for the construction of said road, and turning the same over to the county. The substance and meaning of said agreement being that the county is constructing this road, and therefore said alleged district is illegal and void.

(k). The petitioners do not attach to the original petition a correct map of the roads and the improvement district such as is required by law, and therefore, the attempted organization is void.

177 4. The said railroad companies further state that this attempted assessment of benefits against the property of said railroad companies is in violation of section 1 of the 14th amendment of the Constitution of the United States in that said attempted assessment of benefits is taking the property of said railroad companies away from them, contrary to said section 1 of the 14th amendment to the Constitution of the United States. The said assessments are illegal and unlawful and deprive the said railroad companies of their property without due process of law, and deny to them the equal protection of the laws, contrary to section 1 of the 14th amendment of the Constitution of the United States.

5. The said railroad companies further state that they have a right of way through said alleged road improvement district, amounting to approximately ten miles of railroad, and that the acreage of said right of way, including all real property owned by said railroad companies in said improvement district, amount to approximately 121.4 acres.

6. In said road improvement district, including all the acreage therein included there are approximately 44 sections of land making a total area of approximately 28,160 acres. The aggregate assessment of benefits in said Road Improvement District amounts to \$309,376.00. The aggregate assessment against these railroad companies amounts to \$67,900. The said railroad companies deny that they are benefited in any way whatever and allege that the district is illegal and cannot make any assessments against said railroad companies' property at all, but if they should be mistaken in that and any assessment could be made, it could only be made upon an acreage basis, and therefore the railroad property should be assessed only in the proportion that 121.4 acres bears to 28,160 acres.

178 7. The said railroad companies further state that they will not be benefited in any way whatever by the construction of said highway by the Road Improvement District No. 6 referred to. The property of said railroad companies will not be enhanced or benefited in any manner and therefore the assessment of benefits against said

railroad property will be the taking of said railroad property without due process of law, and contrary to the Constitution of Arkansas, and contrary to section 1 of the 14th amendment to the Constitution of the United States.

8. The defendants further state that the assessment of benefits amounting to \$67,900 is unreasonable, arbitrary, unjust and unlawful against the property of said railroad companies and contrary to the Constitution of the State of Arkansas, and the Constitution of the State of Arkansas, and the Constitution of the United States as above set forth.

Premises considered, the said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company pray the court to set aside and annul the assessment of benefits against the property of said railroad companies.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
By JAMES B. McDONOUGH,

Its Attorney.

THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,
By JAMES B. McDONOUGH,

Its Attorney.

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Affidavit.

I, E. Phelps, Tax Commissioner of the Kansas City Southern Railway Company, on oath state that I am the Tax Commissioner of said company, and that the matters and things set forth in the above and foregoing objection are true so far as my personal knowledge goes, and to the best of my knowledge and belief, are true in all respects.

E. PHELPS.

Subscribed and sworn to before me this 23rd day of August, 1918.

CHAS. H. PARK,

Clerk.

180 In the County Court, Little River County, State of Arkansas.

No. 1093.

In the Matter of the ROAD IMPROVEMENT DISTRICT for Improving a
Certain Road from Ashdown to Mills Ferry, and Laterals.

*Appeal of The Kansas City Southern Railway Company and The
Texarkana & Fort Smith Railway Company.*

Come now The Kansas City Southern Railway Company and the
Texarkana & Fort Smith Railway Company, and hereby appeal
from the judgment of the County Court herein, fixing the assess-

of benefits against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and said railroad companies appeal on the grounds set forth in the written objections this day filed. The said railroad companies, therefore, appeal from the order of the court assessing any benefits against the property of either of said railroad companies, on the following grounds, to-wit:

1.

The property of The Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company is being operated by the Government of the United States, and therefore cannot now be taxed by the assessment of special benefits against said property. This is more fully set forth in paragraph 1 of the objections of said railroad companies to the assessment of benefits, which is made a part hereof.

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2.

The attempted assessment of benefits under said Act 338 of the General Assembly of the State of Arkansas is unreasonable, and unlawful burden upon interstate commerce and is in violation of the Interstate Commerce Act of Congress.

3.

The said Road Improvement District is illegal and void for the following reasons:

a. The original petition or petitions filed herein do not contain a majority either in number, acreage or value of the property owners in said district.

b. The original petition contained therein sections 8, 17, 20, and 29 in Township 11 S. Range 29 West, and said sections were cut out illegally and unlawfully, thereby invalidating the legal existence of said district.

c. Illegal and unlawful changes were made in the boundary of said improvement district.

d. The roads attempted to be improved and described in said district are not public roads, and are not roads, the improvement of which were intended to be made under Act 338 of the Acts of 1915.

e. The description and boundaries of said improvement district are not the same as described in the petition as they are described in the notice of publication; and therefore, said district is illegal and void, because of the misdescription of said district, as the same was published.

182 *f.* The boundaries of said district are indefinite and uncertain, and therefore void and the description of the roads and roads therein are also indefinite, uncertain and therefore void.

g. The publication of the notice required before any order of the court could be made, on the subject of the formation of the district, was not as required by law.

h. The description of the boundaries of the road improvement district as given in the notice are not the same as those in the original petition and in the court order.

i. The alleged court order attempting to establish said district is illegal and void because there is no finding therein that the formation of the district would be for the best interests of the county and of the real property owners therein.

j. The proceedings herein show that this alleged improvement district is organized for the purpose of building a road under the general law of the State of Arkansas and established the same by the county court, and therefore, said district is illegal and void, because the proceedings show an agreement or an attempted agreement between the commissioners herein and the county court, wherein an agreement is attempted to be made for the construction of said road, and turning the same over to the county. The substance and meaning of said agreement being that the county is constructing this road, and therefore said alleged district is illegal and void.

k. The petitioners do not attach to the original petition a correct map of the roads and the improvement district such as is required by law, and therefore, the attempted organization is void.

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4.

The attempted assessment of benefits against the property of said railroad companies, if permitted, will deprive said railroad companies of their property without due process of law and in violation of Section 1 of the 14th amendment of the Constitution of the United States.

5.

The said attempted assessment of benefits is arbitrary and unreasonable and unjust for the further reason that said railroad companies own an acreage of real property in said district amounting approximately to 121,4 acres, whereas the total acreage in said district amounts to 28,160 approximately. This is such an unreasonable discrimination as makes said attempted assessment of benefits illegal and void, and contrary to the Constitution of the State of Arkansas, and contrary to section 1 of the fourteenth amendment to the Constitution of the United States.

6.

The said attempted assessment of the total sum against all of the property amounts to \$309,376.00, and assesses benefits against the property of said railroad companies amounting to \$67,900. The said railroad companies are not benefited and their property is not benefited and this is therefore an illegal and unlawful discrimination against the property of the said railroad companies.

7.

The property of the said railway companies will not be benefited by the highway and improvement contemplated by said road improvement district No. 6, and therefore to assess any benefits whatever against said property of said railway companies will take the property from said railway companies and be the same contrary to the Constitution of the State of Arkansas, and contrary to Section 1 of the 14th amendment of the Constitution of the United States.

8.

The assessment against the property of said railroad companies of a sum amounting to \$67,900 is unreasonable, arbitrary, unjust and unlawful and contrary to the Constitution of the State of Arkansas, and contrary to section 1 of the 14th amendment to the constitution of the United States.

Premises considered The Kansas City Southern Railway Company, and The Texarkana & Fort Smith Railway Company pray that said appeal be granted as required by law.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
By JAMES B. McDONOUGH.
THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,
By JAMES B. McDONOUGH.

Affidavit for Appeal.

I, E. Phelps, state on oath that I am the Tax Commissioner of The Kansas City Southern Railway Company and of The Texarkana & Fort Smith Railway Company, and I further state that I am authorized to make this affidavit and that the special matters appealed from herein are fully set forth in the above and foregoing prayer for appeal and I further state that the said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company nor either of them are benefited in any way by the construction of the highway contemplated by said Improvement District No. Six of Little River County, State of Arkansas, and therefore the said railroad companies pray an appeal and the facts set forth in the above and foregoing petition and

prayer for appeal are true and this appeal is not taken for delay, but that justice may be done said railway company.

Affiant further states that he is familiar with the benefits that may or may not be received by said properties, and he has given the matter special study and in his opinion the said railroad property will not be benefited by the construction of said highway by said Road Improvement District No. 6.

E. PHELPS.

Subscribed and sworn to before me this 23rd day of August, 1918.

[SEAL.]

JAS. H. WILLIAMS,

Notary Public.

Commission expires Dec. 31st, 1921.

The matters above set forth in the affidavit and appeal of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company came on for consideration before the Circuit Court of Little River County on the 19th day of February, 1919, as above stated. Road Improvement District No. 6 of Little River County, through its counsel, A. D. DuLaney, prior to the 19th day of February, 1919, and in open court, filed a demurrer to the objections of the Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, which said demurrer is in words and figures as follows:

In the Circuit Court of Little River County.

In re ROAD IMPROVEMENT DISTRICT NUMBER SIX, Little River County, Arkansas.

Appeal from County Court.

Demurrer.

Comes Road Improvement District No. 6, in Little River County, Arkansas, by its Board of Directors, and demurs to the objections to the assessment of benefits against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company filed herein, and for cause, states:

1. It demurs to section numbered 1, and states that said section does not state a defense to the assessment herein, under the law, and the complainants are not entitled to any relief under the cause of action attempted to be stated in said section.

187 2. It demurs to Section numbered 2, for the reason that no legal defense is therein stated to the assessment herein levied, and the same does not state any cause of action or defense, either in law or equity.

3. It demurs to Section number 3 of the objections, for the reason that no defense is stated under the law to said assessment, or cause

of action for relief, either in law or equity, and the matters therein complained of are not involved in this appeal, and are not now within the jurisdiction of this court, and for the further reason that the matters complained of in said Section 3 of said objections are res judicata by the judgments of the County Court of Little River County.

4. It demurs to sub-division 4 of the objections, for the reason that said sub-division does not state any legal or equitable defense or cause of action for relief.

Wherefore, premises considered, prays that its demurrer be sustained, to each of the numbered subdivisions of the objections to the assessment, as hereinabove set out.

A. D. DeLANEY,
Attorney for Road Improvement
District No. 6.

On said 19th day of February, 1919, and in open court, the demurrer above named, came on for hearing after argument of counsel on either side, and after due consideration by the Court, the same was sustained as set out in the judgment of the court and appellants except thereto.

188 Thereupon this cause, and the appeal of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company came on for hearing upon the allegations set forth in paragraphs 4, 5, 6, 7, 8 of said appeal, as above set forth. The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company and Road Improvement District No. 6, to sustain the issues involved herein, introduced the testimony set out below. The said testimony was taken down in short hand by Mrs. C. E. May as official court reporter, and said testimony was afterwards reduced to writing, and is fully set out below. Said testimony contains all of the evidence introduced and offered to be introduced in this cause. Said transcribed notes of the evidence, containing all of the evidence herein, is in words and figures as follows:

In the Circuit Court of Little River County.

Cause #1009 $\frac{1}{2}$.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and the Texarkana & Ft. Smith Ry., Appellants,

VS.

ROAD IMPROVEMENT DISTRICT No. 6, Little River County, Appellee.

Transcript of Evidence.

James B. McDonough, Atty. for Appellants.
A. D. DuLaney, Atty. for Appellee.

In the Circuit Court of Little River County.

Cause No. 1009 $\frac{1}{2}$.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FT. SMITH RAILWAY, Appellants,

VS.

ROAD IMPROVEMENT DISTRICT No. 6, Little River County, Appellee.

Cause tried before the Honorable James S. Steel, Circuit Judge on February 19th, 1919, in the Little River Circuit Court, James B. McDonough appearing as attorney for the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company, and A. D. DuLaney appearing for Road District No. 6, and the following proceedings were had upon demurrer:

The Court after hearing the demurrer to the objections of the Railroad Companies, sustained said demurrer as to paragraphs 1 and 2 and 3, and as to said paragraph 3, the demurrer is sustained as to each sub-division thereof.

Thereupon the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company except to the action of the court in sustaining the demurrer to paragraphs 1 and 2 in the appeal of said Kansas City Southern and Texarkana & Fort Smith Railway Companies.

Also excepts to the action of the court in sustaining the demurrer of appellee as to paragraph three of the appeal and answer. A
191 to paragraph 3, and each subdivision thereof lettered with small letters, "a, b, c, d, e, f, g, h, i, j, and k. As I understand the ruling of the court the demurrer is sustained as to each and every one of those sub-divisions.

Court: That is correct.

The Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway save separate and several exceptions to the objections and the action of the court, in separately and severally

sustaining the demurrer, as to each paragraph lettered as above set forth, being all and each of the paragraphs and sub-divisions of said paragraph 3 of the Appeal and Answer.

Counsel for Appellants: As I understand your Honor, the ruling of the court is made as to each, and also as to all, so that the court in sustaining the demurrer as to each and as to all, and allowing me my exceptions to the ruling of the court on each one?

Court: That is correct.

The court also sustains the demurrer as to paragraph 4 of the demurrer, and the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company except — the action of the court in sustaining the demurrer as to the paragraph 4.

Court: In so far as paragraph 4 is concerned, the way in which you have stated that one, is that the assessment is arbitrary and excessive, and of course I do not object to that. If the proposition is arbitrary and excessive the court will correct it.

Court: As I understand, the only issue set forth in paragraphs numbered 5-6-7 and 8 in the appeal papers is as to the assessment of benefits?

A. Yes, sir.

Counsel for Appellee: Do I understand that the court also expects to consider in that connection, upon the question of fact, the question that is raised in his objection 4, as to whether or not the assessment made was arbitrary?

Court: That is what I stated.

The appellant railroad companies, the Kansas City Southern and the Texarkana & Fort Smith, to sustain their issues, introduced the following testimony:

193 E. PHELPS, being first duly sworn, testified upon behalf of appellant, as follows:

Direct examination.

By Mr. McDonough:

Q. Your name is E. Phelps?

A. Yes, sir.

Q. Are you in the employ of the Railway Administration, under government control, for the Kansas City Southern Railway Company?

A. Yes, sir.

Q. What position do you hold, Mr. Phelps?

A. I am Tax Commissioner for the U. S. Railroad Administration and Active Tax Commissioner for the Kansas City Southern.

Q. What lines of railroad does your jurisdiction cover?

A. The Kansas City Southern Railway, the Texarkana & Ft. Smith Railway, the Arkansas Western Railway, the Poteau Valley Railway, the Midland Valley Railway, the Missouri-North Arkansas Railway, the Joplin Union Depot Company and the Port Arthur Canal & Dock Company.

Q. How long have you been Tax Commissioner for the Kansas City Southern Railway and the Texarkana & Ft. Smith Ry?

A. A little over 21½ years.

Q. How long had you been in railroad work, before you became Tax Commissioner?

A. About 27 years.

Q. State whether or not you have, as Tax Commissioner, and since you have been Tax Commissioner for the lines of railway mentioned, given the subject of benefits accruing to such railways, and growing out of the construction of roads and highways, and study and consideration?

A. Yes, sir. I have made a special study of that subject.

Q. Are you familiar with the location of the district in controversy here,—the district in which the assessment is in controversy,—known as Road Improvement District No. 6, in Little River county, Ark.?

A. Yes, sir, I am familiar with it.

Q. Have you checked up the amount of railroad of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company that would be in that Road Improvement District?

A. Yes, sir.

Q. I will ask you if this map which I show you, and which appears to be a map made up by the Division Engineer, at Texarkana, Texas, under date of December 31st, 1918, is a map, approximately correct, showing the line and boundaries of this Road Improvement District, and the line of railroad of the two appellants herein, as located in that district?

A. Yes, sir; substantially correct, I believe.

Appellants here offer in evidence the map above mentioned, ask that the same be marked "Exhibit 1" and be made a part of the record herein, which is accordingly done. Said introduction being merely for the purpose of showing the location of appellants' road through the district, and for the purpose of showing the amount of property in the district.

195 Q. How many miles of railroad of the Kansas City Southern Railway Company and of the Texarkana & Fort Smith Railway Company are in the Improvement District mentioned, if you have the figures; if not, approximate it?

A. Approximately 9¾ miles of main line.

Q. Any side tracks?

A. Yes, sir; 1.67 miles of side track.

Q. Where are the side tracks?

A. Principally at Wilton, I believe.

Q. Have the appellants, the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company, anything, other than these side tracks and the right-of-way in the district, that is assessed for taxation?

A. They have some other lands lying outside of the immediate right-of-way. There is a little property there at Wilton, consisting

of some yard property and some lots that were formerly occupied by the "Y" of the White Cliffs branch.

Q. Is that assessed as right-of-way, or assessed as other real property, or do you know?

A. I could not say as to that. I presume all of the property lying outside of the right-of-way is assessed as real estate.

Q. Where does this line of railroad begin? Where is the Northern terminus of the line of railway known as "the Port Arthur Route"?

A. Kansas City, Missouri.

196 Q. To what place does it extend?

A. Port Arthur, Texas.

Q. It runs through what States?

A. Through the States of Missouri, Kansas, Oklahoma, Arkansas, Louisiana and Texas.

Q. Do you know what the assessment was that was made by the Board of Assessors in this Road Improvement District No. 6?

A. I believe the record shows that it was assessed at \$7,000.00 per mile.

Q. That was on the main line or the side track?

A. I take it that it was on the main line.

Q. How much was it on the side track? Just your best recollection about it; will introduce the record a little later, but I want to ask you that for the purpose of basing another question?

A. I do not believe I am prepared to give the figures on the side track.

Q. Mr. Phelps, I wish you would state whether or not, in your opinion, the property of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company, located in this Road Improvement District No. 6, would be in any manner benefited by the construction of this road?

A. No, sir; I do not think it would be in any manner benefited.

Q. I wish you would give your reasons for that opinion.

A. Well, my understanding of the term, "benefit", means
197 not such a benefit as accrues to property in general—what we might call a community benefit, but a benefit which is special and local or peculiar to the property in question, and in that sense of the word, I do not understand how the railway company could be benefited, for the reason that to receive such a benefit, it would have to be a benefit which would add to the market price and the market value of the railway, and I do not believe that any improvement of the nature contemplated here could constitute an addition to the market value of the property.

Q. In other words, if this road were built, as contemplated property, property of these railroads at all?

A. Absolutely none.

Q. This line of railroad is used in interstate commerce?

A. Yes, sir.

Appellee objects to the foregoing question and answer for the reason that it is not an issue in this case, which objection was by the Court overruled.

To which ruling of the court the appellee then and there excepted.

Cross-examination.

By Mr. A. D. DuLaney:

Q. Does it do any other business, except interstate commerce business?

A. Yes, sir, it does intrastate business.

Q. It does all the intrastate business which it can get,
198 not only by local shipments, intrastate, within the territory embraced in this Road District, but also in this State, from local shippers, and from adjoining railroads, does it not?

A. Well, yes; but at the same time, I would say that I can hardly understand how there could be any intrastate business, strictly speaking, within the limits of this district, for the reason that the district does not seem to include any two stations within its limits; hence, I cannot understand how you could say that in this particular district we do an intrastate business. For instance, it does not include the station of Ashdown; consequently, there could not be a shipment from Ashdown to Wilton, that would move wholly within this district, and I believe there is no station north of Wilton, within the district, so cannot see how any intrastate business could be done within the district.

Q. Are you familiar with Road Improvement District No. 1 which has already been established and constructed in this county?

A. Yes, sir.

Q. Ashdown is in that district, is it not?

A. Yes.

Q. You are familiar with the gravel road, the steel and concrete bridges and culverts that have been constructed within Road Improvement District No. 1, in which Ashdown is located?

199 A. I am familiar with it, in a general way.

Q. That is the gravel pike road extending from Ashdown to Ogden, along the line of railroad which you represent?

A. Yes, sir.

Q. And the gravel pike, extending Southwest to Pine Prairie, from Ashdown, and west from Ashdown to Richmond?

A. Could not say that I am familiar with those roads; know nothing about them.

Q. Road District No. 6, as proposed, joins the corporate limits of Ashdown, on the north?

A. Yes, sir.

Q. Covers the territory lying North of Ashdown, on either side of the Kansas City Southern Railway, along said road to the Town of Wilton; and Northwest and Northwest of Wilton, with the main line of road extending from Ashdown, along your railroad, to Wilton; thence to the steel bridge across Little River. North or perhaps slightly Northeast of Wilton; then with a lateral road extending West from the Town of Wilton?

A. Yes, sir; that is my understanding of benefits, and with reference to Road District No. 6, you have stated that you do not consider that the railroad will be benefited at all by reason of the proposed construction of a road in Road Improvement District No. 6.

Now, I will ask you, do you say that the railroads which you represent, have not been benefited by the gravel pike which has already been constructed from Ashdown to Ogden, along your road?

Appellants object to the foregoing question for the reason that same is not relevant, competent or material, and is not cross-examination. We are not trying any issue here as to any other road improvement district, but only as to District No. 6.

Appellees' attorney: I desire to test his knowledge of the question of benefits, and make it cross-examination for that purpose.

Which objection was by the court overrule; to which ruling of the court appellants then and there excepted.

A. I will say that I do not consider that the railroad derives any benefit whatever from the construction of Road Improvement District No. 1.

Q. Now for the same purpose, and with reference to the Prairie Pipe Line Company, will ask if you think they have been benefited any by the construction of the public improved highway, in the nature of graveled or macadamized public roads in the territory traversed by the railroad which you represent. Does it, or not, inure to the benefit of the railroad or benefit it in any way?

A. I do not consider that it benefits it in the sense benefits has been outlined in my previous answer to Mr. McDonough's question. It does not confer any special, direct, local or peculiar benefit to the property.

Q. Does the construction of an improved highway, enhance in value, any property traversed by that highway?

A. Yes, sir, I believe it enhances the value of private property, contiguous to the highway.

Q. Does the enhancement in value of the private property which you mention,—and I will say the private property embraced in the proposed district here, and embraced in Road District No. 1, in the way of increasing values of lands, better transportation facilities to railroad points and markets, in no way enhance the value of the railroad property?

A. That is my opinion,—except such benefit as might be described as community benefit. I think the railroad would be indirectly benefited by any thing which benefits the community through which it runs, but merely in a community sense, and not benefited in a way which would be special and directly peculiar to the railroad property itself.

Q. Do you say the railroad would not receive any measure of benefit from the construction of an improved highway?

A. Will say that for this reason, any benefit that it might receive, would be so uncertain and of such a speculative nature, and could

not possibly be reduced to any certainty or figures, and for that reason will say that it would not receive any benefit. A benefit which cannot be measured and reduced to figures is too uncertain to be called a benefit.

Q. You understand, Mr. Phelps, that the Board of Assessors, in assessing the benefits under the law, took into consideration, the matter of speculative benefits, do you not?

A. As I should think they must have.

Q. Now then, applying that same proposition to other property in the district at issue, and testing your knowledge of benefits, will ask you if the lands in District No. 1 have been benefited by the construction, and if the lands in District No. 6 will be benefited by the construction of the gravel highway that will also include the construction of concrete culverts and steel bridges?

Appellants here offer the same objections to the above question to the one previously asked.

Which objection was by the court overruled.

To which ruling of the court the appellants then and there accepted.

A. May I have permission to answer the question in my own way?

Q. Sure.

A. I will try to answer the question and try to distinguish between benefits which will accrue to farm and other private property, and benefits which will accrue to railroad property. I do not think any one who ever thought seriously on the subject, would dispute the proposition that an improved, modern highway will improve and increase the value of real estate and farm lands immediately in the vicinity where the highway is built. Now, the person who owns this property, has it in his power to take advantage of that increase in value; he can avail himself of this benefit or increase in value which accrues to him by reason of the construction of this road. He can take advantage of it in several ways. 1st: he wants to, he can sell his land, and he can take advantage of the benefit in the selling price of his land. If he does not want to sell but wants to rent his land, he no doubt can take advantage of the benefit in that respect, by reason of the increased rental value of the land; or if he does not want to do either, still he can take advantage of benefits arising to him, in the way of a reduction of transportation expense, in the handling of his crops and marketing his products. I can conceive of no way in which the owner of private property can be deprived of the benefit that comes to him by reason of an improvement of that kind. Now when you come to the railroad, it is different. The right-of-way of the railroad company is not marketable and not for sale, and the prosperity and earnings of the railroad depend upon conditions extraneous to the property of the people along the line of railway, to a certain extent. That is, their earnings depend upon rates which are fixed by some other body, besides the body which fixes the so called benefits by reason of an improved highway. Now, if the rates they are operating under do not permit them to operate profitably, all the improvement

which could possibly be built in a community could contribute nothing to the value of the railroad.

Counsel for appellee objects to the foregoing, as wholly irrelevant, immaterial and inadmissible.

Which objection the court overruled.

To which ruling of the court the appellee then and there excepted.

Q. Go ahead and finish your answer.

A. I believe that is the extent of my idea about the matter, as distinguishing between the benefit accruing to the owner of private property and benefit to a railroad. The principal thing is that the benefit which accrues to the private land owner is a tangible proposition, something he can reach out and grasp and absolutely reduce it to his possession, while the so-called benefit accruing to the railroad is so problematical and of such a highly speculative nature that it cannot be reduced to figures.

Q. The railroad company depends upon making an income off of the commodities it transports, as well as passengers?

A. Certainly.

Q. And these commodities and passengers come from the territory which is traversed by that road and the connecting territory?

A. They do.

205 Q. Now, do you mean to tell the court that when such a public improvement is constructed as a highway, which will produce and give greater facilities for transportation of commodities, in the reaching of markets, and in increasing the value of lands and other improvements thereon—facility in transportation of persons and commodities to the markets of the country, from which market the railroad in turn transports them to other parts of the country, will not benefit the railroad?

A. That is just exactly what I mean to tell the court.

Q. Then you mean to tell the court that the railroad is wholly independent of any territory which it may traverse?

A. Well, no, I don't mean that.

Q. Do you mean to say that the railroad, in its earnings is wholly independent of the condition of the country through which it passes?

A. I do not mean that. If you will allow me, I will explain.

Q. I just want to get your answer to the court. Now, part of your duties carries you over that part of the line of the Kansas City Southern Railway, in Missouri and Kansas, where they have improved highways. Is the Kansas City Southern Railway any more valuable, or worth any more where they have these improved highways than where they have not?

206 A. Not in the sense of being specially benefited by the highways. They receive a general benefit, a community benefit, which I take it is compensated for in the general tax they pay. My idea of taxation is simply this: that when a general tax is levied against property, the justification of that levy, arises out of the fact that that property receives a protection, and that it enjoys all benefits accrue- by reason of civilized life; that something is taken

care of and benefited or compensated for in the general tax. When you bring it down to a restricted district, that rests upon the theory that the benefits accruing are compensated for by peculiar benefits accruing to the property, and I deny that any such special and peculiar benefits accrue to the railroad by reason of public improvements adjacent thereto.

Q. Then your position is, boiled down, that the railroads should be free from any taxes except for general, county and State purposes?

A. So far as a special road district is concerned, which embraces a limited area, and which is not county-wide in its application, I would say yes.

Q. Are you familiar with the territory that this road traverses and the outlet and inlet of trade from the different communities which this road will communicate with, to points upon the railroad which you represent?

A. I think so, in a general way.

207 Q. Are you familiar with the section in the South end of Sevier County that will receive transportation facilities by the construction of this road from Ashdown to the steel bridge on Little River,—being the dividing line between Little River and Sevier Counties?

A. I have just a general knowledge of the characteristics of the locality.

Q. Have you ever traveled in the black lands in the South end of Sevier County, which will receive an outlet and inlet by reason of this construction?

A. No, sir; I cannot say that I ever have.

Q. Then you are not familiar with the rich agricultural region that this road taps, and the population to which it will give transportation facilities, in the South end of Sevier County, to points on your railroad?

A. Not from personal observation. Am familiar only in a general way.

Q. With reference to the property of the railroad in the district, I will ask you if it hasn't buildings and improvements at Wilton as well as its main line and side tracks?

A. We have a depot, a water tank, section house and a pump house, I believe. Come to think of it, I do not believe there is a pump house there now.

Q. This matter might better be shown by the record, but I will ask you any way. Do you know the total assessed value, for county and State purposes, as certified by the State Tax Commissioner to this county, upon the main line and side track and buildings of the railroad, embraced in Road Improvement District No. 6?

A. Well, it is in the neighborhood of \$33,000.00 per mile on the main line.

Q. That is to say, if all the valuation were set out and divided

by the number of main line miles, the total would be somewhere near \$33,000.00.

A. That is not exact, but that is about what it would be.

Q. I believe you stated in answer to an inquiry by Mr. McDonough, that the record showed the benefits assessed against your road as \$7,000.00 per mile, on the main line?

A. That is my understanding.

By the Court:

Q. You believe that a road improvement district like this, really improves the land in any way?

A. I think it improves the lands of private owners.

Q. Is it because it causes the land to produce one blade of grass more than it did before the road was built; does it add any value to the land, in a productive way?

A. No.

Q. It simply opens up the country to settlement, inviting new people to come in and settle up the country, cultivate more land; adds to the value of the land by reason of offering better transportation facilities, from a standpoint of transporting its products to the markets, thus inducing other farmers to locate in that vicinity, and other people desiring to live in that vicinity and enjoy these facilities?

A. I think it would.

Q. A man who had a home, and did not want to sell, would not be benefited by this construction?

A. It would enable him to get his produce to town at a less cost than it did before the road was constructed.

Q. He would have more taxes to pay though?

A. The increased taxes would be off-set by the reduction in transportation.

Q. Isn't it really a benefit to the personal property, in place of a benefit to the land?

A. I do not think so. Cannot see any benefit to the personal property.

Q. It does not improve the land, by reason of building a good road long by the side of it?

A. No, it would not improve the land, would make it no more productive. I think it would make the land more valuable, but not more productive.

Q. A man then, who did not want to sell, would not be benefited much?

A. I am talking about the land.

Cross-examination continued.

By Mr. DuLaney:

Q. Would the construction of an improved highway add anything to the drainage of the land along the right-of-way of the railroad?

A. Well, that is a question I do not feel prepared to answer.

Redirect examination.

By Mr. McDonough:

Q. Mr. Phelps, you know where Wilton is located?

A. Yes, sir.

Q. You know that by going North from Wilton, you reach Little River?

A. Yes, sir.

Q. Now, if this road extends North from Wilton for about three miles, up to Little River, and then from Wilton South to the Town of Ashdown, state whether or not the effect of the construction of that road from Wilton to Ashdown, thus enabling the farmers and growers of products in the neighborhood of Wilton and the country surrounding it, to bring their products to Ashdown, would not, in a sense, be a competitor of the line of railway of the railroad companies mentioned here?

A. Yes, sir; I think it undoubtedly would.

Q. The land owners upon the river, north of Wilton, would thereby be enabled to come through Wilton, clear on to Ashdown, a larger town and a better market, with their products?

A. I think it undoubtedly would.

Q. And thus not market their products or give them to the Kansas City Southern, at Wilton?

A. Yes, sir; in fact, they might come to the Frisco; and not only that, they would also haul passengers up and down the road, who would thus travel by motor, instead of paying railroad fare.

Recross-examination.

By Mr. DuLaney:

Q. The transportation of passengers, from Wilton to Ashdown, and from the country north of Wilton, which you speak of, is there any appreciable amount?

A. I could not say as to what it would amount to. Amounts to something though.

Q. Do you tell the court that by reason of the fact that this road coming to Ashdown would take business away from the Kansas City Southern Railway, the same should not be permitted.

A. I think they would carry passengers between Wilton and Ashdown by Automobile. It would permit farm products from Wilton now, where we only have one railroad, to move to Ashdown, where we have two railroads, and it might or might not go to the Frisco, our competitor.

Q. Is it the attitude of the roads which you represent to refuse to contribute to public improvements, in order that public road conditions may stay so bad that people will be forced to ride upon the railroad, instead of upon the public road, and to hold the surface conditions of the country along that road so bad that the people cannot haul their products to a station which — a little further from

their home, by reason of having good roads.

212 A. It is not the attitude of the company I represent to oppose the building of good roads, or any other public improvements. Their attitude is simply to resist unjust assessment of benefits against their property for the construction of these improvements, beyond the benefit they would receive by such construction or improvement.

Q. Do I understand your attitude to be that you are not subject to assessment at all?

A. I do not think we are properly subject to assessment for a special road district. Arkansas is the only state where we are compelled to pay an assessment for building of public roads in restricted districts.

Redirect examination.

By Mr. McDonough:

Mr. Phelps, if the land received a benefit, same as the farm land, then it would receive it to the same extent, and in the proportion of its acreage, would it not?

A. Yes, sir.

Q. Do you know the acreage of the Kansas City Southern right-of-way, in this proposed district—approximately what it is?

A. Between 120 and 130 acres. Believe it is about 130 acres. Perhaps a little more.

Counsel for Appellee here objects to the foregoing question and answer for the reason that the railroad right-of-way is not farm land, and for the further reason—

213 Which objection was by the Court overruled. To which ruling of the court the appellee then and there excepted.

Q. Have you figured out what proportion of these benefits should be assessed against the right-of-way, in the event the assessment were upon an acreage basis in this district?

Counsel for Appellee here objects to the foregoing question and the answer thereto, for the same reason last above mentioned.

Which objection was by the Court overruled. To which ruling of the Court the appellee then and there excepted.

Q. If you have not already done so, I will ask you to do so, and will excuse you for that purpose.

A. Why, the proportion would be approximately in the ratio of 130 acres to 28,100 acres. That would be the approximate proportion.

214 J. H. WILLIAMS, being called and duly sworn, as a witness upon behalf of appellants, testified as follows:

Q. What is your name?

A. J. H. Williams.

Q. You are the clerk of the court here, are you?

A. Yes, sir.

Q. You have charge of the records, including the assessments and returns of the Board of Assessors in Road Improvement District No. 6, in this county?

A. Yes, sir.

Q. I wish you would look at the records and state to the court what benefits were assessed against the property of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company.

A. (Clerk referring to records in question.) The assessment of benefits, per mile, against the Kansas City Southern is \$7000.00 per mile, or a total of \$67,900.00 as extended upon the assessment record.

Q. What was the total amount of assessments against all the property, which, of course, includes that which you have just given?

A. The grand total of all the assessment of benefits, according to the amount set out here on the record, in the column marked "Assessment of Benefits," -309,376.00.

Q. That means the total assessment of benefits against all the property in the district, does it?

A. The net figures at the foot of the column, as the assessment of benefits, as placed there by the Assessors, not the total of the clerk, and I am giving that information merely from these records.

Q. Then your answer to my question is that that is the total assessment of benefits against all the property in the district?

A. If this addition of this column is correct, it would be.

Q. What is the valuation of the property of the district, as assessed by the County and State?

A. \$162,402.00, as it appears from this assessment record.

Q. What is the assessed value, as shown on that record, of the property of the Kansas City Southern and the Texarkana & Fort Smith Railway Company?

A. \$270,220.00.

Q. Is that book which you are reading from the return of the assessors, the book filed as their assessment of benefits in this district No. 6?

A. Yes, sir.

Q. In your custody, as clerk?

A. Yes, sir.

Q. What book are you reading from there, Mr. Williams?

A. The "Assessment Record No. 1, Road Improvement District No. 6, Little River County, Arkansas.

Q. The number of miles in this Improvement District No. 6 is shown to be 9.7 miles of main line, on that book?

A. 9.7 miles of main line and 1.68 side track and building situated within said district.

Q. Now, do you find the total assessed valuation of the railroad in the district to be \$270,220.00, as it appears from this record?

A. Yes, sir.

Q. And the total assessed benefits against the railroad property I understand you to say, is \$67,900.00?

A. Yes, sir, as shown from this record.

Q. Do you find the total assessed benefits against all the property to be \$309,376.00?

A. As it appears from this record, yes, sir.

Q. The total assessed value of all property in the district from that record is \$350,467.00?

A. \$462,402.60.

Q. Does not the latter include some additions that are not in the previous assessment?

A. It appears from the record here, a total of \$350,467.00 and under that, "Grand Total, \$462,402.60."

Q. What does the item of \$350,467.00 refer to?

A. I do not know. I did not make the record.

Q. You have the railroad assessed, according to that book, \$270,-
220?

A. Yes, sir.

Q. Now, have you an item of \$350,476.00?

A. Yes, sir.

Q. And what does that represent?

A. If you will wait one moment, I will run over the figures and see if it does not cover public utilities. (Witness here verifies figures.) The item of \$350,467.00 appears to be 60% short

217 of the total assessed valuation of the Kansas City Southern Railway Co., the Prairie Pipe Line, the Southwestern Bell Telephone Company and the Western Union Telegraph Company.

Q. What is the total assessment of the farm lands in the district? I mean all lands, excluding the Western Union, the Prairie Pipe Line Company, the Texarkana & Fort Smith Ry. Co., the Kansas City Southern Ry. Co. and the Southwestern Bell Telephone Company.

Counsel for Appellee: For the purpose of saving confusion, probably, in the mind of the court, and in the record, I suggest that counsel in his question, refer each time to "assessment for county and State purposes" and then as to the "assessment of benefits."

Counsel for Appellants: Where I refer to "benefits," I used the word, "benefits."

Q. The valuation I am asking you about now, is the valuation of the real estate in the district, excepting the property of the railroads, the Texarkana & Fort Smith Railway Company, the Kansas City Southern Railway Company, the property of the Prairie Pipe Line Company, the Western Union Telegraph Company and the Bell Telephone Company.

A. The total of the Kansas City Southern, the Texarkana & Fort Smith, the Prairie Pipe Line Company, the Southwestern Bell Telephone Company and the Western Union Telegraph Company valuation, for county and State purposes is \$350,467. Grand
218 total of such valuation, \$462,402.00, as appears from this record, and the difference between the two is \$111,935.60.

I assume that would represent the total valuation of other property than that specifically named.

Counsel for Appellee:

Q. Have you any means from that record before you, by which you can show the assessment of the lands in the district, separate from the town property in the town of Wilton? Are there any totals from which you can answer that question? Have you any grand totals with such assessment of benefits, as filed in your office, county clerk? When was it filed?

A. The endorsement reads, "Filed in open court this the 5th day of August, 1918, Charles H. Park, by W. J. Denson, D. C."

Q. Mr. Clerk, I believe you covered the assessment for county and State purposes, as certified by the State Tax Commission to your office, of the railroad property in the district, at \$270,220.00?

A. I gave it as it appears from this record.

Q. What assessment, per mile, is assessed against the Kansas City Southern and the Texarkana & Fort Smith Railway Companies, for county and state purposes in this county, and in this Road District for the year 1917?

A. I do not recall, to be positive, but can produce the certificate and give the amount from that.

Q. I would like for you to produce the certificate, as certified to you for the years 1917-1918.

(Clerk here produces record.)

Q. What is the assessed value, for county and State purposes against these railroads, as certified to you by the State Tax Commission, for 1917?

A. \$27,000.00 per mile.

Q. In 1918?

A. \$27,000.00 per mile.

Q. That is the main line?

A. Yes, sir.

Q. What is the side track?

A. \$3000.00 per mile, for each year.

Q. Can you give the assessed value of building and other real estate within the town of Wilton, if it is shown separately on the State Tax Commissioner's certificate?

A. Yes, sir. Wilton, as certified, for the purpose of city and corporate tax, one mill.

Q. I refer not to the lines of railroad, but to the buildings, the valuation on the buildings and rolling stock—just the buildings.

A. Wilton, \$3310.00 as certified for 1918. And the same amount as certified for 1917.

Q. \$3310.00?

A. Yes, sir.

220

J. M. WIER, being next called and duly sworn upon behalf of the appellants, testified as follows:

Q. Your name is J. M. Wier?

A. Yes, sir.

Q. Where is your home?

A. Kansas City, Missouri.

Q. What is your business?

A. Chief Engineer.

Q. Were you with the Kansas City Southern Railway Company before the United States Government took charge of the railroads?

A. Yes, sir.

Q. You are Chief Engineer for that company?

A. Yes, sir.

Q. You also hold the same position on the allied lines, the Texarkana & Fort Smith, and others?

A. Yes, sir.

Q. For how long have you held that position?

A. Two years.

Q. Before that, how long had you been with the company?

A. About a year.

Q. How many years experience have you had as an engineer of railroads?

A. Twenty.

Q. During that time, has it been part of your duties, and especially recently, to investigate and study the matter of Improvement Districts, as to whether or not the construction of roads along the right-of-way, improve the property of the railroad company?

221 A. I have.

Q. You are familiar with the location of this Road Improvement District No. 6?

A. Yes, sir.

Q. You know where Wilton is situated?

A. Yes, sir.

Q. Ashdown?

A. Yes, sir.

Q. You have seen a map of the district, have you not?

A. Yes, sir.

Q. I wish you would state whether or not, in your opinion, the construction of that road, as outlined in that Road Improvement District, would be of any benefit to the property of the Texarkana & Fort Smith Railway Company and the property of the Kansas City Southern Railway Company?

A. In my opinion, it would not be a benefit; in fact, it would be rather a detriment.

Q. Give your reasons for it?

A. It would not enhance or increase the selling value of the railroad company, or its property, by reason of the construction of a public highway, but would work as a real damage against the property, because it would open up competition that does not now

exist, both with reference to the hauling of freight and passengers.

222 Q. How many railroads enter the town of Ashdown?

A. Three.

A. Name them.

A. The Kansas City Southern, the Frisco and the M. D. & G.

Q. The Frisco Railroad is a competing line with the Kansas City Southern?

A. Yes, sir.

Q. State whether or not the construction of a road from the bottoms up on Little River, north of Wilton, or a public highway, would enable the farmers and the farm products to be transported on that highway to Ashdown, and thus take away from the Kansas City Southern, traffic and give it to the Frisco and M. D. & G.?

A. I am of the opinion that it would.

Q. What is the nearest station on the Kansas City Southern, north of Wilton?

A. Allene.

Q. Then after Allene?

A. Winthrop.

Q. And then you cross Little River?

A. Yes, sir; Morris Ferry is just a little flag station right at the river.

Q. And then you cross into Sevier County there?

A. Yes, sir.

Q. The Kansas City Southern Railway Company is a common carrier of freight and passengers?

A. Yes, sir.

223 Q. Not engaged in anything except that of a transportation company?

A. That is all.

Cross-examination.

By Mr. DuLaney:

Q. You object, then, upon behalf of the railroad, to the construction of a public highway from the steel bridge on Little River, County into Wilton, and from Wilton to Ashdown, and the later road from Wilton west and northwest, for the reason that it may open a transportation route by land for the inhabitants of this country, and may thereby cause your road not to get some business?

A. That would be the effect of it, to a certain extent.

Q. Then your position is, representing your road, that a public road from Mills Ferry to Wilton, and from Wilton to Ashdown should be left as nearly impassable as possible, to prevent inhabitants who desire to travel that road from coming into Ashdown?

A. No, I would not say that. The policy of the road has always been to be agreeable to anything that was a community improvement.

Q. Why do you object to this community improvement, then?

A. I do not, as a community improvement, but do on the basis

no tangible benefit accruing to the railroad, but as I look at it, it will be a real detriment.

224 Q. Do you say that the construction of highways are a detriment to railroads, to the extent that they cause competition?

A. Yes, sir.

Q. Do you say that the construction of a highway from Wilton west and north, as proposed by this district, reaching Oak Hill Township in this county and adjacent territory to that township, which lies west of Wilton, which would enable these people to reach your railroad, would be a detriment to it?

A. Possibly not, that portion of the road.

Q. Do you say if a public road is constructed from the bridge on Little River, at Mills Ferry, which connects with the road leading to Ben Lomond and Brownstown territory, which is a very rich black land belt in Sevier County, and which would enable these people to come in across the river to points on your road in this county, would be a detriment to your road?

A. I do not know what other means of access they have.

Q. For your information, will say that they have none; and basing my question upon that assumption, then, do you say that it will be detrimental to your road to give a population of 4000 people up in the south end of Sevier County access to your road?

A. Only in part. At the present time, as I understand, they have to come to our road at Wilton, and this proposed road would enable them to come to Ashdown and bring their produce to a point where there is competitive service.

225 Q. Can you name any commodities shipped over your road from Wilton to Ashdown, a distance of 5 miles, which is now brought by the people of Sevier County to Wilton for shipment to Ashdown?

A. No, sir. I presume there are some, but what it would be, I don't know.

Q. Do you say that the construction of this road from Ashdown to Wilton, and its laterals, connecting with Road Improvements District No. 1, which is a gravel road from here to Ogden, and with the intervening strip of about a mile between Ogden and Red River, and then with a gravel road constructed from Red River on into Texarkana and with a proposed road improvement district to be formed, connecting up with the north end of Road District No. 6 in question, and connecting with Road Improvement District No. 1 in Sevier County, which traverses the entire length of your line in Sevier County, and already constructed, would be a detriment to your road?

A. Cannot say that it would be any betterment, any way.

Q. You do know that this is one of the proposed links of a chain of roads of a North and South highway which is being constructed through Western Arkansas?

A. I know it in a general way.

Q. Do you tell the court that gravel and macadamized roads in a country are a detriment to railroads?

A. No benefit to them; no tangible benefit.

226 Q. Do you tell the court that the worse the conditions are made for the people living in the country for them to travel over to get to your railroad, the more benefit your road derives from that community?

A. No, sir.

Q. You are testifying here as an expert, I believe, and I will ask you to tell the court, what condition, in your opinion, should roads be leading to the railroad in order to benefit the railroad?

A. I would depend on what construction you place on the word "benefit". I understand the theory of the law is that "benefit" has to be something that can be sold and bought and increases in value. And on that basis, the condition of the road would not benefit the railroad.

Q. Can you tell the court in what condition the public roads that lead to the market points on your railroad should be, in order that it may financially benefit your railroads?

A. You mean financial benefit in the matter of increased receipts or increased value of the property?

Q. Both.

A. I cannot see where there would be any increased value to the property, no matter what the road were. There probably would be some financial benefit in the way of increased revenue—possibly to a small extent, if all the roads were in excellent shape and we were the only road there that they could get to.

227 Q. Does a connecting line like the M. D. & G., which has a union station with your road here, and a connecting line of railroad like the DeQueen & Eastern, which comes from Dierks to DeQueen, with your road, benefit your road any?

A. The DeQueen & Eastern possibly does, to some extent, because ours is the only road that it taps, but the M. D. & G. taps other roads and that makes it a competitor.

Q. Do you haul any freight that is transported here by the Frisco on the M. D. & G. and then routed to other points?

A. I could not say as to that. Presume we do. Would not know that of my own knowledge.

Q. Don't you know, as a matter of fact?

Q. Don't you know as a matter of fact, if it didn't everything that the Frisco and the M. D. & G. bring in here instead of being transported away by rail, would be hauled away by land?

A. Probably would. I don't know to what extent stuff comes through this gate way, but presume there is some from both lines.

Q. Now what I am getting at is, doesn't a transportation road benefit your railroad when it taps it—don't make any difference whether it is a public highway or a transportation line, either,—which furnishes you with commodities which are to be

228 shipped to some point on your line, and are transported by you to the various markets on your line?

A. It damages us to the extent that it sets up competition; it's the same as another man in the same line of business competing with us.

Q. Then the only commodity which you desire to transport is the commodity which people are forced to bring to your road, because there are no other transportation facilities.

A. I would not say quite that, no.

Q. I was just trying to get your attitude, and the basis for your expert testimony.

Redirect examination.

By Mr. McDonough:

Q. I wish you would state whether or not there is being developed now, throughout the United States, a method of transporting goods and passengers over dirt roads, which transportation is done by motor trucks?

A. Yes, sir, very extensively in some parts of the country.

Q. To what extent is that being done?

A. Quite largely. We have a concrete example of that between Vivian and Shreveport, La. We have a very active competitive by dirt road, which we formerly did not have.

Q. The highway is built by taxing the public and the railroad, and then the Motor Truck Companies come along and put their motor trucks on and carry goods in competition with the railroads, without being required to pay any of the tax?

229 A. Yes, sir.

Q. Now, if the Frisco and the land owners up North of Wilton, reached by this road, wanted to build a line of railroad in here so as to get this traffic from that community to the Frisco, and not tax the Kansas City Southern, there would be no ground for objection would there?

A. None.

Q. But when they take our property by taxation and take our business away from us and give it to another and competitive road——

Counsel for Appellee: We object to that as a matter of argument. Which objection was by the court overruled. To which ruling of the court the appellee then and there excepted.

Q. When they take our property to build up a competing line to us, we object; that, as I understand it, is the basis of your objection and your testimony?

A. Yes, sir.

Q. Do you know, as a matter of fact, whether the Frisco is in this proposed Road District No. 6?

A. I do not think so. As far as my knowledge goes, it is not.

Q. And yet the direct benefit to the Frisco of bringing these fertile lands in and around Wilton and North of there and their products, right to the doors of the Frisco, would be a decided detriment to us and a benefit to the Frisco, and yet we pay the bill and the Frisco goes scot free——

230 Counsel for Appellee objects to the arguing of the case this time.

Counsel for Appellants: Well, you know we have to have some little argument as we go along.

Q. You referred in your answer a moment ago to transportation between Shreveport and Vivian, as I understood you. I will ask you if this is a card of that transportation company, "The International Motor Company, incorporated"?

A. Yes, sir.

Q. That shows their train schedules, does it not?

A. Yes sir, for both freight and passengers.

Q. Is that kind of work being done all over the country?

A. Yes, sir; very rapidly developing all over the country. We have the same kind of condition at several points.

Q. Do you know whether or not they are actually transporting passengers on some roads in Sevier County, from Gillham to I Queen, in competition with the Kansas City Southern?

A. Yes, sir; both passenger and freight.

Q. Isn't it true, Mr. Wier, that the higher state of condition which these roads are placed, and the more money spent on the roads, the more transportation there is done over these dirt roads, the more freight there is taken away from the railroads.

A. Yes, sir.

Cross-examination.

By Mr. DuLaney:

231 Q. Then you are afraid, if you open up the territory in the south end of Sevier County and north and west of Wilt in this county, they might haul something down here and let the Frisco ship it away?

A. Probably would do it, yes, sir.

Q. These motor trucks you were speaking about, they haul stuff to the railroad, as well as haul it away, don't they?

A. Probably do in some cases.

Q. Don't you know that at Mena and Hatfield, DeQueen and Ashdown, that there are now constantly plying and being used every day, at least 50 motor trucks by the DeQueen Lumber Company, the Dierks Lumber Company, the Major Stave Company, the Mena Lumber Company, the Scoggins Lumber Company, and other lumber and State companies, for transporting lumber and other materials, both manufactured and raw, to your road, for shipment.

A. I expect that is true.

Q. Now, that being true, you say this road ought not to be constructed, and give means of transportation for the public, except the road leading from the country into your railroad, and there ought not to be any road up and down the railroad?

A. No, I don't say that at all, but that it ought not be built at the expense of the railroad.

Counsel for appellants here offers to introduce maps attached to the original petition for the purpose of showing the acreage in the district, and also for the purpose of showing the location of the roads,—the map showing the correct boundaries of the district, except that Section 8 and the West half of Sections 17-20 and 29 in Township 12 South, Range 29 West are excluded from the boundaries of the district, with the request that the same be marked "Exhibit 2," which is accordingly done.

233 A. LECKIE, the next witness, being called and duly sworn, testified upon behalf of the appellants, as follows:

Q. Your name is A. Leckie?

A. Yes, sir.

Q. You are an employee of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Co.

A. Yes, sir.

Q. How long have you been connected with these railroads?

A. Since 1911.

Q. How long have you been following the profession of Civil Engineer?

A. For about 17 years.

Q. Have you made a calculation as to the land, or the total acreage of real estate in this Road Improvement District No. 6, taking the map that I have shown you as the correct map of the district, and which is Exhibit 2, and excluding Sections 8, and the West Half of Sections 17-20 and 29, Twp. 12 S. range 29 W.?

A. Yes, sir.

Q. What acreage do you find, as a result of that calculation?

A. 23,585 acres.

Q. Have you figured up the acreage of the right-of-way of the appellant railroads, the Kansas City Southern and the Texarkana & Fort Smith?

234 A. Yes, sir.

Q. How much is it?

A. 130 acres.

Q. What are your duties as Engineer?

A. I have charge of the engineering and rate department on the Southern Division that means the maintenance of tracks, etc.

Q. Does the subject of drainage come under your jurisdiction, as to whether or not the road needs drainage; and if so, when it ought to be drained, etc.?

A. Yes, sir.

Q. This part of the road here in Little River County is in your jurisdiction?

A. Yes, sir.

Q. Have you made the subject of whether or not a dirt road, like the one proposed in this district, and shown on that map, in this

county, would be a benefit to the property of the Texarkana & Fort Smith and the Kansas City Southern?

A. I have given it quite a little thought, yes, sir.

Q. State whether or not, in your opinion, the construction of that highway would be of any benefit to the property of these companies?

A. Not directly.

Q. Does the line of railroad of the Kansas City Southern and the Texarkana & Fort Smith, as it runs through this district, need any drainage, that would be brought about by the construction

235 of these roads?

A. It does not.

Q. Then the construction of these roads would not give any benefit, by way of drainage?

A. No, sir.

Q. Would there be any special or direct benefit, in any way, to your road? In your opinion?

A. Not in my opinion, no, sir.

Q. State whether or not, in your opinion, the market value of the railroad, as a business proposition, would be enhanced, in any way, by the construction of this highway, as proposed?

A. It would not.

Cross-examination.

By Mr. DuLaney:

Q. Don't you think as an engineer, if this gravel road is constructed from Ashdown, North, around specially at the point up here between Ashdown and Wilton, that the drainage of that road on the West side of your right-of-way would remove those ponds of water that stand on at least two-thirds of the surface of the ground there most of the year, along your right-of-way, between here and Wilton?

A. It would depend, absolutely, on the method of construction.

Q. Have you examined the plans and specifications, as prepared by the State Highway Commission and the Parkes Engineering Company of Pine Bluff, Arkansas, for this proposed

236 construction?

A. No, sir.

Q. Then you know nothing about their plans for drainage?

A. No, sir.

Q. You do not know whether any drainage which would be brought about by the construction of this road would help the railroad or not?

A. No, sir; I do not know whether it would be a detriment, either. It might turn water on us that we never had before. It all depends, as I stated before, on the method of construction, and that differs always, as to the local conditions.

Q. With reference to the acreage. You say you figured it out on this plat. How did you figure that, simply by taking each section as it is shown, as 640 acres?

A. Where there is a full section, yes.

Q. And how did you get the fractional sections along on Little River there?

A. Estimated it from that map.

Q. You do not know what the government acreage shows in this territory?

A. No, sir.

237 E. H. HOLDEN, being called and duly sworn, testified upon behalf of appellants, as follows:

Redirect examination.

By Mr. McDonough:

Q. Mr. Holden, what position do you hold with reference to the United States Railroad Administration?

A. General Superintendent of Transportation.

Q. Over what lines?

A. The Kansas City Southern, the Texarkana & Fort Smith, the Missouri-North Arkansas, the Midland Valley, the Kansas City, Mexico and Orange Railroads; the Houston & East Texas Railroad, the Fredericksburg, Shreveport & Pacific and the Joplin Union Depot Company.

Q. Mr. Holden, how long have you been in railroad work?

A. About 32 years.

Q. During that time, what has been the nature of your work in connection with the railroads?

A. I have been telegraph operator, train dispatcher, Chief Dispatcher, General Superintendent, and ———

Q. You have charge, in a general way, of a number of railroads?—transportation and operation of same?

A. Yes, sir.

Q. You understand what these improvement districts are, do you?

A. In a general way, yes, sir.

Q. You know, in a general way, about this one, this District No. 6?

A. Yes, sir.

238 Q. Know where it is located?

A. Yes, sir.

Q. You know where Wilton, Ashdown and the stations north of there are?

A. Yes, sir.

Q. I wish you would state whether or not, in your opinion, this dirt road, as proposed, will, if constructed, be of any benefit to the property of the Texarkana & Fort Smith Railway and the Kansas City Southern?

A. In my opinion it will not.

Cross-examination.

By Mr. DuLaney:

Q. Mr. Holden, you held the same position which you mention here, prior to the time the government began operating the railroads, did you not? That is, you were General Superintendent of the Kansas City Southern and the Texarkana & Fort Smith Railway, prior to government management?

A. Yes, sir.

Q. You say that this particular Road District, in your opinion will not benefit the Kansas City Southern or the Texarkana & Fort Smith Railway Company?

A. That is my opinion, yes, sir.

Q. Do you say that Road District No. 1, which traversed the entire length of your road, in Sevier County, North of here, does not benefit the Kansas City Southern Ry.?

A. I do not think it does. I think there is now more or less traffic passing over it than has passed over the railroad in the past.

Q. Your company, by agreement, pays one-fifth of the cost of the road, does it not?

A. I am not sure; am not acquainted with that feature of it.

Counsel for Appellants moves the court to exclude the above question and answer, for the reason that it is a matter not involved here and would not be admissible.

Which objection was by the Court sustained.

240 J. J. TAYLOR, being next called, and after having been duly sworn, testified upon behalf of appellants, as follows:

Direct examination.

By Mr. McDonough:

Q. Your name is J. J. Taylor?

A. Yes, sir.

Q. Mr. Taylor, what position with the Railroad Administration do you hold?

A. Superintendent of Bridge & Building and Water Service.

Q. Over what lines of railroad do you hold that position?

A. The Kansas City Southern Railway, the Texarkana & Fort Smith Railway, the Arkansas-Western, the Poteau Valley.

Q. Prior to the United States taking charge of the railroads, how long had you been in the employ of the Kansas City Southern Railway Company?

A. Fifteen years.

Q. What positions had you held during that time?

A. Same as I hold now.

Q. Are you familiar with the location of the road in Little River County?

A. Yes, sir.

Q. That is your jurisdiction?

A. Yes, sir.

Q. You know where Ashdown is located on the road, of course?

A. Yes, sir.

Q. Wilton?

241 A. Yes, sir.

Q. The station next North of Wilton?

A. Allene.

Q. Know where *there* is?

A. Yes, sir.

Q. You know the nature and condition of the road in this, Little River County, say starting here at Ashdown and going North to the Sevier County line, as Little River?

A. Yes, sir.

Q. You have seen this map, have you, showing the district in question, in Road Improvement District No. 6?

A. Yes, sir.

Q. The area in that, I believe, excludes the West half of Sections 17-20 and 29 and also Section 8, with that exception this map here approximately shows the correct boundaries?

A. I think so.

Q. The map here shows Ashdown at the southern point, and also shows Wilton near the center of the map, and the Kansas City Southern running from Ashdown, North and Northwest through Wilton, and then Northwest to the limit of the map. You are familiar with the line of road, where it is located?

A. Yes, sir.

Q. The line of road, as shown on the map, beginning near
242 Ashdown and running parallel with the line of the Kansas City Southern Railroad, and on the West side thereof until it gets into Section 13, then crosses to the East side and runs North and to the Northwest $\frac{1}{4}$ of Section 7; then the road is proposed to go from there North to the Little River and from there West $2\frac{1}{2}$ miles and North a mile, stopping near the line of the Kansas City Southern Railway, between Mile posts 459 and 460. I wish you would state, taking into consideration, the location of the road, and its condition,—I mean of the railroad, and also of the road,—whether or not, in your opinion, from your experience as a road man, the construction of that road, under that Road Improvement District, would in any way benefit the property of the Texarkana & Fort Smith Ry. Co. and the Kansas City Southern Railway Company?

A. No, sir.

Cross-examination.

By Mr. DuLaney:

Q. That is based upon your experience as a railroad man?

A. Yes, sir.

Q. Have you had any experience as a property owner in Road Improvement District, other than railroad property, personally?

A. Yes, a little.

Q. Do improved roads or road facilities enhance the value of property?

A. Of real estate, yes, sir.

Q. Is there any appreciable enhancement—one that can be determined and figured, upon the construction of an improved modern highway?

A. I think so.

Q. Does the enhancement of property along a railroad—I mean of farms lands, lands used for all agricultural and kindred purposes, in the way of greater value of same, with increased transportation facilities on that land, enhance the value of railroad property in the same vicinity?

A. I do not think so.

Q. Then in your opinion, the value of railroad property does not depend upon the condition of the country it traverses?

A. Not directly; I do not think so.

Q. Do you say that the railroad company does not receive a direct benefit from an improved territory through which it travels over an unimproved territory?

A. I think they receive some benefit, but I think it is more than off-set by what they lose.

Q. Your Railroad Company maintains an immigration department, for the purpose of undertaking to settle up and improve the territory it traverses, does it not?

A. Yes, sir.

Q. Why is that done, if an improved territory along a railroad does not benefit the railroad?

244 A. Well, I don't know. It is helping the betterment and improvement of the country that much, and they like to see it done, and as I said before, indirectly, it is a benefit to the railroad the improvement of the country, but it is more than off-set, as I said, by what it loses.

Q. Mr. Taylor, the Kansas City Southern Railway Company signed the petition for Road Improvement District No. 1, in Sevier County, didn't it?

Counsel for Appellants objects to the foregoing question, as irrelevant, immaterial and inadmissible.

Which objection was by the court sustained.

Q. Do you know of any improvement that has accrued in this particular Road District in question, by reason of an ordinary dispublic road which has been opened up just North of Ashdown here connecting with the public road in question and running west of a section line to Arden, which is nine miles West of here, and then on seven miles to Foreman. Know of any improvement accruing by reason of that part of this road district.

A. No, sir, I am not familiar with anything except along the track; have not been out to see it.

245 J. J. HANCOCK, being called and after being duly sworn, testified upon behalf of appellants, as follows:

Q. Your name is J. J. Hancock?

A. Yes, sir.

Q. Where do you live?

A. Texarkana.

Q. Are you an employee of the United States Railroad Administration, for the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company?

A. Yes, sir.

Q. How long have you been employed by the Texarkana & Fort Smith Railway and the Kansas City Southern Railway Company?

A. A little over thirteen years.

Q. What position do you hold with the companies, now?

A. I am Road Master.

Q. Over what does your jurisdiction extend?

A. From Shreveport, Louisiana, to DeQueen, Arkansas.

Q. It includes, then, the line of railroad through Little River County, Arkansas?

A. Yes, sir.

Q. And includes the line of railroad from Ashdown here, north, going through this Road Improvement District No. 6?

A. Yes, sir.

Q. You are familiar with that part of the line?

246 A. Yes, sir.

Q. How far is it from Ashdown to Wilton—about how far?

A. Just a little over four miles.

Q. How far from Wilton to the next station, Allene?

A. Seven miles.

Q. How far from Allene to Winthrop?

A. Seven miles.

Q. From Winthro- to Morris Ferry?

A. About 6 miles.

Q. Morris Ferry is close to the Sevier County line, just on Little River?

A. Yes, sir.

Q. I wish you would state whether or not, in your opinion, the construction of this road, as has been indicated on the map in evidence here, would be of any benefit to the property of the Kansas City Southern Railway and the Texarkana & Fort Smith Railway Company? I refer to "Exhibit 2" for the location of the road, being indicated by heavy white line beginning at Ashdown and running along the line of railway, as shown on that map, up to Little River and then separating near Wilton and running in a Western direction from Wilton three miles and a mile north; whether or not in your opinion, the construction of that dirt road would be of any benefit to the property of the Texarkana & Fort Smith Railroad and the Kansas City Southern Railroad?

247 A. Not in a direct way, I do not think.

Q. Would the construction of the road benefit the drain-

age any Northwest of Ashdown, where it runs along the right-of-way?

A. No, sir; I do not think it would.

Q. What is the condition of your road-bed there now?

A. Pretty fair condition.

Q. Is that road-bed kept open?

A. Yes, sir.

Q. You look after the drainage of your road, in connection with your other work on the road?

A. Yes, sir.

Cross-examination.

By Mr. DuLaney:

Q. Do you know of the proposed construction, from the standpoint of its character?

A. No, sir.

Q. You have not examined the specifications, as compiled by the Highway Department and the District?

A. No, sir.

Q. Is there any part of the road from here to Wilton, on your line of railroad that does not need draining?

A. Well, very little. We have ditches from here to about three miles north of here which carries the water away very nicely.

Q. You stated, in answer to Mr. McDonough's question, that you did not know of any benefit which the road would receive
248 indirectly. Do you know of any it would receive, indirectly?

A. I don't think I do.

Q. Your contention then, is that the road would not be benefited at all?

A. I do not think it would.

Q. What improvement in this territory, embraced in this Road District No. 6, would benefit the railroad?

A. I do not know if I am able to answer that question.

Q. Would the obliteration of the town of Wilton benefit the railroad?

A. It might.

Q. Then you think that the town of Wilton is a detriment to the road?

A. No, I don't think that it is.

Q. Would the obliteration of all the people who reside in Road District No. 6 benefit the railroad?

A. I do not know if I understand exactly what you mean.

Q. Suppose you destroyed or moved away all the improvements on the real estate in this proposed Road District No. 6, and the people therein, would it benefit or be a detriment to the railroad?

A. Possibly a detriment. Of course it would.

Q. Now the construction of this road would be a benefit to the people who reside in the territory, would it not?

A. I think so, yes, sir.

Q. Does the improvement of the community, and the community along the line of railroad, and the territory that lies along the line of railroad from which it gets its transportation and commodities and passengers, benefit the road any?

A. In a way, I think so.

Q. Were it not for the people who transport commodities and themselves as passengers on the road, the road would not have any business, would it?

A. I guess not.

Q. Then the railroad depends upon the territory that it traverses, principally, for the commodities and passengers it transports, in order to get revenue?

A. To a certain extent.

Q. Do you know what the enhancement in the values of lands from Ashdown to Ogden,—being a distance of ten miles south of here,—has been by reason of the construction of gravel roads in Road District No. 1?

A. No, sir; I do not.

Q. I will ask you if you do not know that the East end of this county, around what is known as the Temple Place and the ferry on Little River, which leads across to Fulton, just east of Little River,—being practically all of the SE $\frac{1}{4}$ of Little River County, to the transportation of products raised there, has been turned to Ashdown since the construction of the gravel road in District No. 1?

A. Yes, sir; by reason of these people being able to strike the gravel road at Ogden and come to Ashdown with their commodities, instead of taking them to Fulton, across Little River, to the Iron Mountain?

A. No, sir; I am not acquainted with the situation.

Q. If that is true, or were true, then do you say that the gravel road constructed from here to Ogden, is still of no benefit to the Kansas City Southern Railway?

A. I do not know.

Q. With reference to the question of benefits to property, Mr. Hancock, if modern highways are erected into the town of Ashdown and Fulton, that bring increased transportation of products into these towns, would it benefit the Kansas City Southern in any way?

A. I do not see that it would.

Q. Then so far as towns along your railroads are concerned being nearer to the railroad, might just as well not have any roads leading to the towns?

A. I don't know. Of course we get a little stuff from these stations along here, but they could bring it into Ashdown here, as I said before, and the other railroad stands a mighty good chance to get it. Why if you had good roads in here, it being a short haul, you could haul into Texarkana, just like is done down the road further.

Q. Representing the railroad, I will ask you if it is the attitude of your road to keep the public roads in a poor condition, in order to prevent products being transported?

A. No, sir.

Q. Mr. Hancock, you are the Road Master for the road, I believe?

A. Yes, sir.

Q. The Kansas City Southern transported a greater portion the gravel that was used in the construction of the roads in District No. 1, did it not?

A. I believe they did haul some from here to Hudson, about miles.

Q. To Ogden, also, didn't it?

A. Well, a little to Ogden, yes.

Q. Don't you know that if the roads in District No. 6 are constructed that the Commissioners are making their arrangements to get their gravel from the Horatio gravel pit, which is on your road and have been negotiating with your road with reference to rates, the construction of this entire improvement?

A. No, sir; I didn't know that.

Q. You do know that the gravel and the cement and the sand and other articles of construction that go into the road will have to be transported, for the purpose of constructing the road?

A. Yes, sir.

Q. You know that none of these articles are to be found in the adjacent territory to this territory, do you not?

252 A. Some of the gravel may be.

Q. You do not know of any gravel beds in Little River County, do you?

A. I do not believe I do; am not acquainted over the county though. There may be gravel close to here for all I know, but I know nothing about it.

Q. Isn't it a fact, Mr. Hancock, that all materials for the construction of this road will have to be brought in here over your road and that all commodities that may reach this territory by reason of this improvement, the main line of the proposed road and its laterals which are subject to shipment, will be shipped practically all, by your road?

A. They could be given to either one of the other roads, also, couldn't they? The Frisco or the M. D. & G.

Here the appellants rest.

This being all of appellants' testimony.

253 The appellee, to sustain its issues, introduced the following testimony:

JOEL MILLS, being called and first duly sworn, testified as follows:

Direct examination.

By Mr. DuLaney:

Q. Your name is Joel Mills?

A. Yes, sir.

Q. You are a member of the Board of Commissioners in Road Improvement District No. 6, in Little River County, Arkansas?

A. I am.

Q. You have heard the clerk of the court as to the witnesses here, the assessment of benefits as against the Kansas City Southern Railway Company in the district at \$67,900.00, and the total benefits the whole district at \$309,376.00. Now, I will ask you if you are familiar with the line of the Kansas City Southern Railway in the district?

A. Yes, sir.

Q. You are familiar with the lands?

A. Yes, sir; practically all of them.

Q. How long have you resided in Little River County?

A. All my life.

Q. How old are you?

A. 43 years old.

Q. You live at Wilton, on this railroad, and in this proposed road district?

A. Yes, sir.

Q. How long have you lived there?

A. 17 years.

Q. You are a land holder in the district?

A. Yes, sir.

Q. Rather large land holder?

A. Yes, sir.

Q. What do you say with reference to the assessment of benefits against the road, as to its justness and fairness, compared with other property in the district?

A. Of course I was one of the commissioners, and we commissioners passed on the assessment and examined it.

Q. Did you consider it a fair assessment?

A. Yes, sir.

Q. You are familiar with the assessment of benefits as made by the assessors on the lands and the railroad?

A. Yes, sir.

Q. What amount of bonds are contemplated to be issued by the district?

A. \$90,000.00 is what the district is supposed to raise, then we expect some assistance from State and Federal aid.

Q. You have been assured by them that they would take care of the rest?

A. Yes, sir.

Q. At what rate of interest are these bonds to be issued?

A. Six per cent. with the privilege of $5\frac{1}{2}$, I believe.

Q. Maturing how?

A. 3-20s. That is, we can pay off the interest at the end of 3 years and finish paying the principal and interest by twenty years.

Q. What benefits do you say will accrue to the railroad property by reason of this improvement?

A. Well, the way we get our information along these lines, is by judging by other districts and other communities and estimating the benefits that have accrued to other districts by reason of good roads, and my observation has been that benefits accruing to a district like this, would get just as much good or benefit in five

years, as it ordinarily would in 25 without this road improvement or means of transportation.

Q. What territory, if any, will be opened up to points on the Kansas City Southern by reason of this road being constructed?

A. First, which I think is the least, is the connection with Road District No. 1 here at Ashdown. The next is the road leading out from Wilton to or connects with the adjoining county, where there is a lot of valuable territory, which until we built the steel bridge seven years ago, was virtually annihilated for many months in the year on account of being impossible for them to travel through the bottoms of Little River.

256 Q. You have reference, then, to the gravel extending out to the steel bridge on Mills Ferry?

A. Yes, sir.

Q. What territory does that connect with this territory here on the Kansas City Southern Ry.?

A. Simply connects this with a big lot of farming land and timbered land over in there, that now have no certain facilities for getting anywhere except to Wilton, in the south end of Sevier County. If they could get to the steel bridge on Little River they could travel this way most any time of the year, but otherwise, particularly in the winter months, they are shut off.

Q. Do you say that in your opinion it will bring that trade in the south end of Sevier County across to this territory, by reason of that steel bridge and the construction of this road?

A. Am perfectly sure that it will.

Q. A great many of these people already do their banking business and trading at Ashdown and Wilton?

A. Principal part of them do.

Q. What do you say about the territory that lies northwest of Wilton, out where the proposed lateral goes west, about 2½ miles and one mile north.

A. I really think there is more territory there to be developed than on the other road, because the benefits will be greater.

257 A very rich farming country in there, and the way it is now there is just a farm here and there, and this road through there will build it up.

Q. What has been your experience and observation — to the increase in farm lands and the settlement of farm lands along improved highways?

A. It practically puts every piece of land in the territory in cultivation; puts settlers on it and puts the land to producing something.

Q. By reason of giving transportation facilities to market?

A. Yes, sir, and bringing new people into the country to develop the land.

Q. Are these things that you have mentioned there the reason why you say the Kansas City Southern Railway Company will be benefited by this improvement?

A. Yes, sir, the Kansas City Southern is a trunk line, bringing practically all the products that come in here and also taking away

practically all those that are shipped out. At least I would say they get a very large per cent of it.

Q. You are in the mercantile business at Wilton?

A. Yes, sir.

Q. As a means of showing the amount of business you do, and your familiarity with the territory, I will ask what is the volume of your business per year?

A. \$100,000.00.

Q. The goods which you receive are shipped over what line of railway?

258 A. The Kansas City Southern.

Q. What materials do you ship out over the Kansas City Southern?

A. Cotton, Lumber, Hay, some times Corn, Cattle and hogs.

Q. There are other shippers of the same kind in your community who do a similar business?

A. Yes.

Q. Where are the materials and stock that you have mentioned that are shipped over the Kansas City Southern Railway, from Wilton, raised?

A. Right in the immediate vicinity there.

Cross-examination.

By Mr. McDonough:

Q. Mr. Mills, do you own land up there at the ferry you referred to a while ago, where the steel bridge is?

A. Not right at the ferry.

Q. Is there any land in cultivation at Mills' Ferry, where that bridge is?

A. There is a farm being opened up on the far side, on the Sevier side, not in this district. There is a farms in the forks of the river there being opened up.

Q. To whom does it belong?

A. To a man by the name of Morris.

Q. Opening a farm in Sevier County?

A. Yes, sir.

Q. How much has he got opened up?

A. It was partly opened up when he came there.

259 Q. How much?

A. About 30 acres down there.

Q. How much is there now?

A. He told me he was going to put in 10 or 15 acres right there at the bridge this year.

Q. Do you own any farm lands, in cultivation, in that neighborhood, Mills Ferry?

A. Not any improved.

Q. What kind of soil is it around Mills Ferry?

A. Productive soil.

Q. Is it bottom land on the Little River side?

A. Both sides is bottom land.

Q. Land that overflows?

A. Some of it.

Q. How far is Mills Ferry from Horatio, by water?

A. It is 22 miles from Wilton to Horatio, up the K. C. S., and we are just 3 miles North of the steel bridge.

Q. Is there any land in cultivation near Mills Ferry, other than that 30 acres you mentioned awhile ago?

A. Yes.

Q. How much is in cultivation in the four sections surrounding it, on this side?

A. I do not know. When you get back up the hill it is all in cultivation, between there and town, about $\frac{3}{4}$ of a mile from Mills Ferry.

Q. The bottom there is about $\frac{3}{4}$ of a mile wide?

A. Yes, sir.

260 Q. The bottom is not in cultivation?

A. A lot of it is.

Q. How much is in cultivation?

A. From a little ways from the ferry, half a mile, I guess.

Q. Up on the hill, about half a mile from Mills Ferry?

A. Yes, sir.

Q. Then from that back to Wilton it is about $2\frac{1}{2}$ miles?

A. Yes, sir.

Q. About three miles from Wilton to the river?

A. Yes, sir.

Q. Is 50% of that land in cultivation, from Wilton to the river within the district?

A. Yes, sir. If you take the whole district. You know the district widens out, but if you take a scope a mile wide on each side I believe 50% is, or possibly 60%.

Q. Do you own any farm lands in the district?

A. Yes, sir.

Q. Where are your lands located?

A. Well, in a radius of three miles from Wilton.

Q. In cultivation?

A. Yes, sir; some of it not cultivated.

Q. How much land do you own there in that radius of three miles?

A. Sister and I own something over 3500 acres.

Q. How much do you own yourself?

261 A. I never did figure it up exactly.

Q. Do you own half of the entire tract or amount?

A. I own a little more than half. Sister owns about 1200 acres.

Q. All of that land in this district?

A. I think all of our land is in this district with the exception of 80 acres.

Q. What is that land worth now on the market?

A. Runs anywhere from \$20.00 up.

Q. What will it be worth when this road is built, if developed and put on the market?

A. In how many years do you mean—what length of time?

Q. What value will there be added to it by the building of that road. What will it be worth when the road is built?

A. Just immediately when the road is built, couldn't say, too speculative a proposition to say what it would be worth just then.

Q. You are one of the Commissioners?

A. Yes, sir.

Q. Did you place the value on that property in the district, with the improvement and the value without improvement?

A. It was just valued in zones. Benefits were assessed according to the zone the property was in, or the approximate distance away from the road.

Q. You valued it with and without the improvement, didn't you? If it was worth \$20.00 without the improvement
262 what would it be worth with the improvement?

A. It would be worth more, but I couldn't say how much.

Q. What is your best judgment about it. You own more land than any one else in the district, probably?

A. That would be purely an estimate on my part.

Q. Give your best judgment, let it be speculative, scientific or otherwise. I want your judgment as to how much more it is worth with the improvements than without. If it is worth \$20.00 without the improvement, how much is it worth with the improvement?

A. Suppose it would be worth \$30.00 per acre.

Q. That would apply generally, as an average, to improved lands?

A. To all the land in the district, taking it as a whole body of land, that would be too high.

Q. What is your best judgment, as to the average?

A. The improved land would be worth \$30.00 per acre and the unimproved less, of course.

Q. What proportion would the improved bear to the unimproved?

A. I judge it would be about 50% and 60%.

Q. \$5.00 per acre then the improved lands would receive?

Q. Well, the unimproved lands, how much would that be benefited in dollars and cents?

A. That would be the improvements that would be added to the land.

Q. How much more would the land be worth on the market?

263 A. If you didn't go in and put other improvements on the land, besides building the road, it would not be worth any more.

Q. Unless something else is done then, the road would not really be a benefit to the land?

A. Unless this land is improved and put to producing something it would not.

Q. Then unless something is actually put on it, and some other improvements done, the building of the road would not give it any benefit?

A. It might make it sell for more.

Q. You said that without the other improvements it would not amount to any more?

A. It would sell for more.

Q. How much more, the unimproved land?

A. The closer to town and the railroad, the more it would sell for.

Q. I am asking you for your judgment about the unimproved land. How much more would it sell for with the improvement than without it?

A. I would say 50%.

Q. Then if the land was worth \$10.00 per acre without the improvement it would be worth \$20.00 with the improvement?

A. No, \$15.00. \$20.00 would be 100% over \$10.00.

Q. It would be a benefit to the improved, as well as the unimproved land?

264 A. Yes, sir.

Q. Now, you mean in giving that as your opinion, that by reason of the general development in the country that much value would come to that land?

A. Yes, sir.

Q. And that would not necessarily mean that the land must be put in cultivation and developed?

A. Yes, sir.

Q. Your idea is that the country is generally built up and generally good improvements come because good roads bring other people in and settle up the land?

A. Yes, sir.

Q. And then the benefit arises by reason of other people coming in and by bringing money and people buying the land and putting it in cultivation?

A. Yes, sir.

Q. Are all the products from about Mills Ferry, on the south side of the river now come to Wilton and Ashdown, cotton, corn, hogs and other things raised in there on the south side of the river?

A. Yes, sir.

Q. Is there much grown on the north side, opposite from Wilton, in Sevier County?

A. Yes, sir.

Q. Where does that go now?

A. Most all comes this way, crosses that steel bridge and is already brought down here.

265 Q. That has been going on for several years?

A. Yes, sir; since that bridge was built.

Q. Any more land in cultivation than there was before the bridge was built?

A. Yes, sir.

Q. How much?

A. I forget what year we built it. Think it was in 1913, about 5 years ago.

Q. That bridge was built by the county?

A. This county and Sevier County.

Q. Both counties?

A. Yes, sir; they united.

Q. You have not done any railroad work in recent years?

A. No, sir, never did.

Q. Never built any railroads?

A. No, sir.

Q. Never operated them?

A. No, sir.

Q. The land owners,—you, as well as the others,—owning land in and around Morris Ferry, or Mills Ferry, if this road is built, will have a better highway over which to take your produce to market?

A. Yes, sir.

Q. That will necessarily increase the value of land?

A. Yes, sir.

Q. As it is now, you still bring those products down to Wilton?

266 A. Don't have much to bring.

Q. Whatever you have, however, is brought to Wilton?

A. Yes, sir; get them there some way or other.

Q. And if you had a better road, you could haul them there cheaper?

A. Yes, sir.

Q. The way the roads are now, have you not, for a year or so, transported stuff from inland around Mills Ferry, clear down to Ashdown, and din't stop at Wilton at all?

A. The majority of it comes to Wilton.

Q. Some of it does come to Ashdown, though, and has for several years.

A. Some comes from Ashdown that way, too. It is half way, the dividing line. There is a dividing line about half way between here and Wilton, some of the trade comes down this way and some of it goes to Wilton.

Q. You mean some of the trade comes from Ashdown to Wilton?

A. Half way, the dividing line.

Q. You mean people come from Ashdown to Wilton to trade?

A. Not from Ashdown, but from the dividing line, half-way.

Q. I am talking about coming from Ashdown to trade at Wilton?

A. No.

Q. You have a general store there, have you?

267 A. Yes, sir.

Q. Been in business there how long?

A. 17 years.

Q. You manage the business and look after it, yourself?

A. Yes, sir.

Q. And the things you ship over the Kansas City Southern, things you mentioned, hogs, among other things, and lumber; do you ship much lumber?

A. Yes, sir.

Q. Much hogs?

A. Yes, sir.

Q. How many cars a year?

A. I don't mean to sell. I don't handle hogs myself, but the people who ship them do.

Q. How many cars of lumber do you ship per month over the road?

A. Part of the time I can not get it out; only in the summer time that the roads are so I can get it out to the railroad.

Q. I mean when you do ship?

A. I don't know how many cars. There are 20 cars there on the yard to ship now.

Q. How many a month?

A. I could not tell you.

Q. As I understand, your idea about benefits which are to be derived from an improvement district, is the fact that it
268 brings in more people, and causes a general development of the country and increases prices?

A. Yes, sir.

Q. The merchandise stocks realize a benefit then the same as the real property?

A. Yes.

Q. You say you have a stock of \$100,000.00. That means you carry that amount of stock all the time?

A. It runs from \$9,000.00 to \$20,000.00.

Q. Your \$20,000.00 stock of goods then would benefit then by the development of the country, and you pay nothing on that for the dirt road? You pay nothing on your personal property?

A. The farm lands help to contribute to that \$100,000.00 yearly business. Farms are part of the merchandise business.

Q. And in that way you think the general merchandise business pays for the development of the country by the building of good roads?

A. No, I didn't say that.

Redirect examination.

By Mr. DuLaney:

Q. Mr. Mills, under the form of Mr. McDonough's question there, when he asked what would be the enhancement in the value of improved and unimproved lands, immediately upon the construction of the road, now I will ask you to state what, in your opinion, would
269 be the enhancement in value, both of the improved and unimproved lands in this road district, when the road is constructed, within a period of five years?

A. Well, as I said, I believe it would enhance as much in five years as it would without the district in 25 years. I will say 50% would be a reasonable enhancement.

Q. Within one year or five years?

A. Five years, on account of the conditions that would follow immediately upon the improvement.

Q. In your opinion, would these improved conditions and benefits continue to increase for the life of the district?

A. I believe they would, yes, sir.

By the Court: How far east of Wilton do the people trade with some other railroad than the Kansas City Southern. How far east do they haul cotton or produce to other railroads, than the Kansas City Southern?

A. No store or gin between where you cross Little River until you get to Wilton; consequently, no reason for it on this side, but on the other side, that is outside of the district, and the increased scope of territory would be a benefit, by bringing it this way; would bring it from 7 to 12 miles, as far as Bown-town.

By the Court: How far east of you do they begin hauling cotton East. As far as Ben Lomond, do they haul from Ben Lomond across into Howard County?

A. Yes, sir.

By the Court: If a gravel road were built through here, as contemplated by this district, would that bring this cotton and produce this way, or throw a lot if it this way?

A. Yes, sir; it would throw a lot if it this way.

Recross-examination.

By Mr. McDonough:

Q. With reference to that cotton and produce beyond Mills Ferry, extending 12 miles into Sevier County, now comes this way, doesn't it?

A. Some of it does, where the roads are passable.

Q. And where does it go when it does not come this way?

A. Some of it goes to Miner Springs, on the M. D. & G.

Q. Where is that?

A. Seven miles this way from Nashville.

Q. Then the land located in Sevier County, beyond the line of this road, will be largely benefited by the construction of this road, in your opinion?

A. Yes, sir; it would give them a market and an outlet to this road, instead of having to go so far.

Q. No benefits assessed against the Sevier County lands, were there?

A. I haven't heard of any.

271 Redirect examination.

By Mr. DuLaney:

Q. Nashville and Mineral Springs are in Howard county and lie east of Ben Lomond, and Ben Lomond is northeast of Wilton?

A. Yes, sir.

Q. Do you know whether or not there is a proposed Improvement District in Sevier county, to connect with this district at the Steel Bridge at Mills Ferry?

A. It is proposed, yes, sir.

Q. And District No. 6 connects with District No. 1 here at Ashdown?

A. Yes, sir; with the corporation of the Town of Ashdown.

Q. Do you know whether or not there is any proposal to connect your district up with Road District No. 1 in Sevier county, which has a gravel road running north and south through the entire county?

A. Yes, sir; I have been told just recently that they have been circulating a petition to that effect.

Q. I will ask you if it is not a fact that this proposed District No. 6 is to form a part of the general highway north and south through the western part of the State here?

A. Yes, sir; what is called the Bankhead Highway, or a through general highway, and if the district is formed from Horatio, back to Falls Chappel and Ben Lomond, it will give us two connections.

272 Recross-examination.

By Mr. McDonough:

Q. You propose, then, to make this part of a through highway, is that it?

A. It is local at first, of course.

Q. But it is the purpose to make it a part of a general highway, and make the railroad come in for the purpose of assisting in building up a competing line?

A. In proportion to the benefits which it will receive, I suppose so.

Q. As to the benefits; what assessment of benefits was made per acre against any of this real estate?

Counsel for Appellees object to the question and answer, for the reason that the assessors record would be the best evidence.

Which objection was by the court overruled.

Q. You are one of the Commissioners in the district.

A. Yes, sir.

Counsel for Appellee: Had better show that by the record.

Counsel for Appellants: Seems to me, being a commissioner, he would have a right, or I would have a right to ask him, as to his knowledge of this assessment.

Court: If you want to know what the assessment was, go to the record for that.

Counsel for Appellants: But to test his knowledge of it.

Court: I do not know whether he knows anything about it or not.

Q. Do you know what the assessments entered against the land were?

273 A. Yes, sir.

Q. What were they?

A. They were in five zones.

Q. What I — asking about is not about the zones, but what the benefits assessed per acre were?

A. Well, it was assessed in zones. That nearest to the road was assessed at \$12.00 per acre benefits; that was in Zone 1.

Q. What were the others assessed at?

A. \$10.00 in the next.

Q. And in Zone three?

A. \$8.00 per acre.

Q. Zone four?

A. \$6.00 per acre.

Q. Is that all?

A. Only a very little of it, about 1/30th part in Zone five. That was assessed at only \$4.00 per acre.

Q. Have you a map showing those zones? The one here in the record?

A. Yes, sir.

Q. You do not know what the zones are yourself, do you?

A. I can show them to you from the map.

Q. But the Kansas City Southern Railway was placed in Zone 1, the highest one?

A. I do not think the Kansas City Southern was based on an acreage basis.

274 Q. Was it in the first zone?

A. No, sir; because it was not based on acreage, was not in any zone at all.

Redirect examination.

By Mr. DuLaney:

Q. The Kansas City Southern traverses the territory in Zone One, does it not?

A. More than any other.

275 L. G. FERRELL, after being duly sworn, testified as follows:

Direct examination.

By Mr. DuLaney:

Q. Your name is L. G. Ferrell?

A. Yes, sir.

Q. Where do you live?

A. At DeQueen, Arkansas.

Q. How long have you lived there?

A. Nine and a half years.

Q. What business are you engaged in?

A. I am Secretary of the Abstract Company there.

Q. Are you acquainted with lands in that county?

A. Yes, sir.

Q. Have had experience in dealing with lands?

A. Yes, sir.

Q. Are you acquainted with the lands in Little River county, embraced in this district?

A. In a general way, yes, sir.

Q. DeQueen is about 35 miles north of here?

A. Yes, sir.

Q. Have you had any experience as an assessor of benefits in any road districts in Sevier county?

A. Yes, sir; I have been an assessor in three districts.

276 Q. What can you say, Mr. Ferrell, with reference to increase in the value of lands in Road District No. 1 — your county, after the construction of the improvement?

A. I think the first year it increased about 25%, and from 2 to 5 years it increases another 25% and after that I think it increases another 50%.

Q. State to the court whether or not, in your opinion, that increase enures to the benefit of railroads traversing it?

A. Yes, sir.

Q. Now, with reference to Road District No. 1 in your county, how many miles does the Kansas City Southern traverse?

A. 26 miles, I think.

Q. How does that district run, with reference to the Kansas City Southern?

Counsel for Appellants here objects to the foregoing question, for the reason that we are not trying any issue growing out of Road Improvement District No. 1 in Sevier county.

Counsel for Appellee: We are not trying to go into that district, but simply showing the man's information or his means of information as to the question of assessment of benefits.

Court: It might be admissible for that purpose, but it has nothing to do with the issues in this case, that road district up there. Will allow it for the purpose of questioning him upon the proposition of benefits here.

To which ruling of the court appellants then and there excepted.

Q. How does that district lie with reference to the railroad lands embraced in the district?

277 A. It parallels the railroad, practically. From the south side of the county line between this and Sevier counties to the North side of Sevier county. Probably not over two miles from the railroad at any point.

Q. What proportion of the taxes in that district are paid by the Kansas City Southern in that district?

Council for Appellants: We object to the question for the reason that it is not competent, and I want to say this, that everybody knows that was an outrageous assessment, but we wanted to do what was right in that community, and therefore agreed on a compromise with these people, and the law has been well settled for a long number of years that compromises are not admissible, and in that case we entered into a compromise and ended the litigation.

Which objection was by the court sustained.

Counsel for Appellee: There is not a great deal of difference between the territory in Little River county and a good deal of the

territory in No. 1 in Sevier county, and while we do not contend that that is a precedent in the fullest sense, but we do say that it is a matter that is within this man's knowledge, and the conditions of the two districts are within his knowledge, and we therefore offer it. The Court: He can give his opinion about what the benefits would be here, but what they were assessed up there is not a criterion or precedent for this court to be bound by, but it can be used as a medium in arriving at his estimate; no objection to it for that purpose, but as to what part of the tax they are paying up there in that road district, which they say they pay by reason of having compromised the matter or by agreement, and which might have been an agreement through mistake; might not be paying enough for all I know, and is immaterial to this court. What they ought to pay here is the question involved here.

Q. You have heard the testimony of the clerk of the court here with reference to the assessed value of the lands and the corporate property in this district at \$452,402.00, and his testimony of the total assessed benefits against the total property in this district at \$309,376.00, and his testimony as to \$67,900.00, as the assessment against the property of the Kansas City Southern in this district?

A. Yes, sir.

Q. Now I will ask you to state whether or not in your opinion that is an equitable assessment against the railroad company?

Counsel for Appellants here objects to the foregoing question and the answer thereto.

Which objection was by the Court overruled; to which ruling of the court the appellants at the time excepted.

Q. If there was nothing to consider except District No. 6 I believe that would be a little high, but taking into consideration the fact that it connects at Ashdown with District No. 1, which is already approved, and which extends a distance of some twenty-five miles so; and that it branches out and goes into a territory, from which the farming products,—or a large majority of which, have been taken into a county east, and which in all probability will be diverted and come to the Kansas City Southern, I do not believe it is very much out of line; might be a little higher than I could have placed it if I had been on the Assessment Board, but not much.

Cross-examination.

By Mr. McDonough:

Q. What amount of acreage did you have in your mind that this road would draw to this town, that is not being drawn now?

A. Well, I think there is perhaps 50,000 acres.

Q. That is what you base your opinion upon?

A. Yes, sir.

280

Dr. A. N. Wood, a witness upon behalf of the appellee, after being first duly sworn, testified as follows:

Direct examination.

By Mr. DuLaney:

Q. Your name is A. N. Wood?

A. Yes, sir.

Q. Where do you live?

A. Ashdown, Arkansas.

Q. How long have you lived there?

A. Twenty-six years.

Q. What is your business?

A. Farming and merchandise.

Q. You were actively engaged in the practice of medicine how long?

A. Thirteen years.

Q. Since that time you have been farming and in the mercantile business?

A. Yes, sir.

Q. You helped to make the assessment here, from which clerk has testified?

A. Yes, sir.

Q. Had you had any other experience as an assessor in a Road District?

A. No, sir; not any more than I was Commissioner.

Q. Commissioner in what district?

A. District No. 1.

Q. That is the Road District out of which the gravel roads run from Ashdown here?

281 A. Three roads, yes, sir.

Q. What do you say with reference to increased value and benefits to the property in District No. 1 since the construction of those good roads?

A. Well, it has been all the way from 50 to 100% increase in value. The nearer the road, of course the greater the increase.

Q. You base that answer upon what?

A. Upon the actual sale of lands that have come under my observation.

Q. What difference is there, if any, between the character of the land embraced in District No. 1, which includes the gravel roads coming into Ashdown, and in which you say you were Commissioner, and the character of the land embraced in District No. 6, which will also come into this town?

A. Practically the same.

Q. Are you familiar with the lands embraced in the district question, in District No. 6?

A. Yes, sir.

Q. Now, in arriving at the assessment of benefits upon the lands, I will ask you if you used any plat of the district, which was prepared for that purpose?

A. Yes, sir.

Q. Is this the plat which was prepared and which you used?
(Presenting same to witness.)

A. Yes, sir.

Q. That is the plat, taken from the official plat on file here with the district?

282 A. Yes, sir.

Q. And was made up by the Board of Assessors and Mr. Parkes, of Pine Bluff, Arkansas, the engineer?

A. Yes, sir.

Q. Compared as to the lands in the district?

A. Yes, sir.

Counsel for Appellee here offers the plat in question in evidence, for the purpose of showing the district and the zones in it, and ask that the same be marked as "Exhibit 1" to the testimony of this witness, which is accordingly done.

Q. Into how many zones, doctor, did your Board of Assessors divide the property in the district?

A. Five.

Q. Does that map show the zones?

A. Yes, sir.

Q. This yellow line is the dividing line of Zone One?

A. Yes, sir; taking in all the property within one-half mile of the proposed road?

Q. One-half mile?

A. Yes, sir.

Q. Zone 2, which is marked "2" on the map, takes in all the property within what distance of the road?

A. A full mile.

Q. Zone 3, marked "3" on the plat, takes in the property within what distance of the road?

A. One and one-half miles.

Q. Zone 4, marked "4" on the map, takes in all lands within what distance of the road?

283 A. One and a half to two miles.

Q. Zone five takes in all other lands, to the extreme limit of the district, being a distance of about how far?

A. About two and a half miles.

Q. Now, in assessing the lands in Zone One, how much per acre were they assessed at?

A. The benefits were assessed at \$12.00 per acre in Zone One.

Q. In Zone 2?

A. At \$10.00 per acre.

Q. In Zone 3?

A. At \$8.00 per acre.

Q. In Zone 4?

A. At \$6.00 per acre.

Q. In Zone 5?

A. At \$4.00 per acre.

Q. Now, in arriving at the assessment on these lands, what you and your Board of Assessors take into consideration?

A. We took into consideration the zone in which the land situated.

Q. You mean by that the distance from the proposed road?

A. Yes, sir.

Q. The lands in this district are all much of the same character except that some is improved and some unimproved?

284 A. That is all the difference. Of course there is some little variation, but it is practically all the same character land, with the exception of the improvements.

Q. With reference to the assessment of benefits against the Kansas City Southern Railway, which I see you have fixed at the sum \$67,900.00, you may state what you took into consideration in arriving at that?

A. I took into consideration the mileage, and then we assessed at \$7,000.00 per mile.

Q. In connection with that \$7,000.00 per mile, did you take into consideration, also, in that \$7,000.00, the side tracks and building of the road?

A. No, that all went in with the mileage.

Q. You mean that was taken into consideration?

A. Yes.

Q. Now, state to the court what the benefits, in your opinion which will enure to the railroad by reason of these improvements of this road?

A. This improvement will settle up the country and will cause more products to be raised and shipped out, and more to be shipped in; and also, it will open up territory that can only come to this railroad, and which at certain seasons of the year cannot now get here.

285 You take north of Wilton, for instance, three miles to Little River and there you strike the Sevier county line, which is crossed by a couple of creeks which are pretty bad to cross and the bottom, in the winter time, gets might bad, and there is a good farming country in north there and east of the river, lying in and around Ben Lomond and Brownstown, which is an inland town and this road will help to draw trade from that territory to Wilton and Ashdown.

Q. What do you say with reference to the territory lying west and northwest of Wilton, where the lateral extends?

A. It runs three miles due west of Wilton, in toward Arden and Allene, about four miles. Arden is on the Frisco but Allene is on the Kansas City Southern, and this road will open up that country in there around Arden, which will bring trade to Wilton, a part of it at least, which now goes to Arden on the Frisco.

Q. You have stated that it opens up avenues of transportation and gives an outlet to the Kansas City Southern Railway. Now, I will ask you to state what are the facts with reference to the same conditions in the territory, similarly situated in Road District No. 1.

Counsel for Appellants object to the above question and answer for the reason that it is not an issue in this case.

Which objection was by the court overruled; to which ruling of the court the appellants then and there excepted.

286 A. Before Road Improvement District No. 1 was built—take from Ogden down the river to the Temple place, the farst place, the Phillips place, the Orton place and others, the majority of those farmers traded at Fulton, in Hempstead county, on the Iron Mountain, because when they could get to Ogden they still had 8 miles of bad road, and since the road has been improved from here to Ogden, they can get from their farms to the improved roads, over less dirt road than they can go to Fulton, and then they have a good road on up to Ashdown; consequently they come to Ashdown, where it used to be that at least 75% of them now come to Ogden and Ashdown, by reason of the improved road.

Q. You think a similar condition would exist in Road District No. 6, with reference to transportation?

A. I think so, and it opens up a very fine country just across Little River, *balek* land region around Ben Lomond and Brownstown, about the best anywhere around here.

Q. In assessing these benefits, you had before you the assessed valuation of the land and the railroad property for county and State purposes?

A. Yes, sir.

Q. Did you take that into consideration in arriving at your benefits?

287 A. In a sense we did, but we did not assess the benefits as high, in proportion, on the railroad as we did on the lands, because we really thought more benefit would go to the land.

Q. Do you say that the assessment of benefits against the Kansas City Southern, as made by your Board of Assessors is an equitable assessment, according to the benefits they will receive.

A. I believe it is.

By the Court: Doctor, what was the average assessment, for county and State purposes, of the land say in Zone One, if you remember?

A. I cannot give it. We had it before us, but I do not remember what it was now, would just simply have to guess.

Cross-examination.

By Mr. McDonough.

Q. Doctor, in referring to the assessment of benefits, you speak of benefits as previously described in your testimony, you described what you meant by benefits: that is what you mean in saying you assessed the benefits?

A. Yes, sir.

Q. The development or good that will come to the country?

A. Yes, sir.

Q. Now, you spoke of some lands up beyond Little River, north. This road does not go north of Little River, does it?

288 A. It stops at the bridge.

Q. Then the produce from these lands up there, come down here now, don't they?

A. Some of them.

Q. This movement, they would not help you get them except so far as it would give them better transportation facilities this side of the river?

A. Yes, I think it extends beyond the end of that road, because there are three miles of bad road there this side of the river which will be eliminated. Three miles south of the river.

Q. Yes, but they bring those products here any way?

A. No, sir.

Q. You heard this merchant who lives up there at Wilton testify that they do, didn't you? You don't agree with him then?

A. Not all together.

Q. You don't run a business up there, or live there?

A. No, sir.

Q. He is a member of the Board of Commissioners and you were one of the assessors?

A. Yes, sir.

Counsel for Appellee here objects to the form of the question—

Q. You live here in Ashdown and Mr. Mills lives at Wilton, you know that?

A. Yes. We at Ashdown, though, we get some trade from Ben Lomond. Brownstown and Wilton I am sure get more.
289 but we do not get anything like an equal divide of that trade.

Q. And by building this road you will get an equal divide?

A. I think we will.

Q. And all your merchants will enjoy prosperity?

A. Yes, sir.

Q. And you want to make the railroad build the highway, build up business for yourselves, and take it away from the railroad?

A. It benefits the railroad.

Q. Yes, sir; and you state by benefits, that you mean increase business to the railroad. Is that all you mean by benefits?

A. Yes, sir.

Q. Then, your testimony is, as I understand it, that by building this road, the Kansas City Southern will get more goods to haul more to bring in and more to carry away?

A. Yes, sir.

Q. Well, you are taxing the Kansas City Southern to build up that business?

A. Yes, sir; because they are getting a benefit by the increase in business.

Q. You do not refer to any other benefit, except that?

A. No, sir.

Q. The road-bed and right-of-way wouldn't be increased in value?
290

A. That is all.

Redirect examination.

By Mr. Dulancy :

Q. I believe you said you could not give the assessment against the lands for county and State purposes, in the first zone, or any other zone, but that you had it before you when you made your assessment?

A. Yes, sir; had it before us in figures.

Q. With reference to the question of increased business for the Railroad Company, I will ask you whether or not the railroad companies' business is increased, it makes their right-of-way and railroad property in the district more valuable?

A. It certainly does. It is a benefit to their business, the business of the railroad, and makes the railroad more valuable, by doing more business.

Q. Then the road bed and the right-of-way, in your opinion, becomes more valuable by the increase in the business done?

A. Certainly, by reason of receiving more income from it.

Q. In the same way, the lands in the district become more valuable by reason of the facilities for handling the products of the lands?

A. Yes, sir.

Q. Those are the benefits you have in mind, by reason
291 of those improvements?

A. Yes, sir.

By the Court: This is your assessment book?

A. Yes, sir.

Q. Please refresh your memory as to the method by which you assessed the lands in proportion to how they were assessed on the tax books?

Counsel for Appellee: With Your Honor's permission, I will question him with reference to certain lands in certain zones.

Court: I just wanted it in the record the way it was.

Court (referring to the tax books) :

Q. Taking the present assessed value, for State and county purposes, state whether you assessed that land in zone one higher than the remainder of the land in the district, and in what proportion?

A. That in zone one is assessed higher than the others. That is assessed at \$12.00 per acre.

Q. What is the difference as to the valuation assessed for county and State purposes? Here is an assessment of \$320.00, for county and State purposes, and this is your benefit assessment of \$800.00?

A. That is in zone 2.

Q. Then in proportion to the assessment of hotel benefits, what proportion does that bear to the assessed value, for State and county purposes?

292 A. Well, in zone 2, 80 acres, with the present valuation State and county purposes, \$320.00, and the assessed benefits \$800.00.

Counsel for Appellee:

Q. What tract of land is that?

A. The East $\frac{1}{2}$ of the NW $\frac{1}{4}$ Sec. 36, Twp. 11, Rnge 30.

Q. I will ask you to take the same tract in Zone 1, and read the description of the tract?

A. The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ Sec. 1, Twp. 12, Rnge 30, 80 acres assessed for county and State purposes, \$320.00, assessed per acre benefits, \$12.00, or a total of \$960.00.

Q. I will ask you to find a tract in Zone 3 and read the description?

A. The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 5, Twp. 12, Rng 30, 40 acres assessed at \$140.00 for State and county purposes; our benefit valuation \$8.00 per acre, or a total of \$320.00 benefits.

Q. And it will run practically the same for Zones 4 and 5?

A. Yes.

Cross-examination.

By Mr. McDonough:

Q. Dr. Wood, that valuation there, referring to taxes for general purpose, is supposed to represent 50% of the value of the property assessed?

A. Yes, sir; is supposed to, but often times does not.

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A. D. DULANEY, being first duly sworn, testified as follows

I am attorney for Road District No. 6, and in connection with the clerk doing the clerical work of making up the assessment of benefits, under the direction of the Board of Assessors, I have added the assessed values of the property and the assessed benefits against the property in the district, as shown by the assessment of benefits on file, as made by the Board of Assessors in this district. I find that the total assessed value for county and State purposes, on all property in the district is \$462,402.00; upon the property in the Town of Wilton, \$18,625.00; upon the land in the district, \$93,310.00; upon all corporations in the district, \$350,467.00. The total assessment against the Kansas City Southern Railway and property for county and State purposes, being \$270,220.00, and the total assessment upon all lands and city property within the district, for county and State purposes, \$111,935.00. As to the assessed benefits against the property in the district, as shown by the record which was compiled and filed, the total assessed benefits against all the land and town property in the district is \$221,906.00; and the assessed benefits against the Kansas City Southern, \$67,900.00; the total assessed benefits against the railroads and other corporations in the district, subject to assessment, \$87,435.00; and the total benefits assessed in the district as \$309,376.00.

294

Cross-examination.

By Mr. McDonough:

Q. What corporations do you refer to as making the \$350,467.00, as to the assessed value?

A. The Kansas City Southern Railway Company, the Prairie Pipe Line Company, the Southwestern Telegraph Company, or the Southwestern Bell Telegraph Company, the Western Union Company.

Q. These corporations then will, according to that, have to stand \$87,470.00 of the benefits in that district?

A. That is as assessed by the Board of Assessors against them.

Q. These figures you have given are shown in the record there, and are taken from the records of the assessment by the assessors?

A. Yes, sir.

Counsel for Appellants: I move to exclude all that testimony, unless reference is made to the record, and the record made a part of his testimony, so as to show it correctly. They are not his figures, and while I do not doubt his testimony, he may make a mistake in the figures.

Court: The effect of that would be to put the whole record in evidence.

Counsel: I just want to know where he gets his figures.

295 Court: State where you got your figures?

A. I took the figures, as stated before, from the record of assessment, as filed in this case.

296 Dr. C. E. MAY, being called, and after being duly sworn, testified as follows:

Q. Your name is C. E. May?

A. Yes, sir.

Q. You live here in Ashdown?

A. Yes, sir.

Q. How long have you lived here?

A. Twelve years.

Q. Have you had any experience as an assessor of benefits in any Road Districts?

A. Yes, sir.

Q. What districts?

A. I was one of the assessors in Road Districts Nos. One, Two, Three and Six.

Q. You are, then, one of the assessors in the district in question here?

A. Yes, sir.

Q. You have heard Dr. Wood's testimony with reference to the division of the property embraced in this district into five zones, as shown by that map?

A. Yes, sir.

Q. That is the way your board divided it?

A. Yes, sir.

Q. And the assessment of the lands at \$12.00, \$10.00, \$8.00, \$6.00, and \$4.00 per acre was the assessment placed upon it by your Board?

A. Yes, sir.

297 Q. Now, doctor, with reference to the assessment of the property against the Kansas City Southern Railway Company, in benefits as you have made it here, do you say that that is a fair and equitable assessment against the railroad, as compared with the other property in the district?

A. I think so, yes, sir.

Q. That is the assessment, as made by your board?

A. Yes, sir.

Q. You are familiar with the lands in the district?

A. Yes, sir.

Q. Familiar with the lands in the other three districts in which you have been assessor?

A. Yes, sir.

Q. All in this county?

A. Yes, sir.

Q. The lands in this district are similar to lands in District No. 1?

A. Yes, sir.

Q. What did you take into consideration in arriving at the assessment of benefits against the land and the railroad property in District No. 6. How did you arrive at it?

A. The land nearest to the road we assessed the highest and the land farther from the road, smaller.

Q. Why? By reason of the distance one has to travel to get to the road?

298 A. Yes, sir.

Q. Now, in assessing these benefits, and the construction of this road, how do you say the property will be benefited?

A. Well, it will be benefited in dollars and cents in the increased valuation of the property, and will be benefited by reason of improved transportation facilities. Now when No. 1 was—

Counsel for Appellants here objects to any statement with reference to District No. 1.

A. Was just going to show what the price of land was in that district before and after the road was built.

Q. I will ask you with reference to District No. 6? Based upon your experience as an assessor in these different road districts, what do you say the increase in the valuation of the real property will be in District No. 6, with the construction of this highway?

A. It will increase at least \$12.00 per acre the first year.

Q. What do you say about the other zones?

A. It will increase in the proportion in which we have assessed the different zones. What I base my argument on is what these other roads have done.

Q. Now, your assessment of \$67,900.00 against the Kansas City Southern Railway: do you say that a benefit of that much will

299 enure to the Kansas City Southern by reason of these improvements?

A. I think it will, during the life of the bonds. In fact, they will derive benefit from it as long as the road stays there, and of course the road is going to stay there.

Q. In what way?

A. Well, for instance, I have some land down here in this other road district No. 1, about $2\frac{1}{2}$ miles from town, and before the construction of the road there was a great deal of the time I couldn't get to town; couldn't get out of there at all some times except in the summer time. The same thing will be true of a great deal of the land in this District No. 6. Some of the country, the roads are so bad that a man can't get his stuff out only through the summer months, and to put that land in cultivation, he has to raise a crop that is not perishable. If he didn't, he couldn't get it to town, and couldn't get it to the railroad.

Q. Then the road brings increased production and increases transportation facilities, and increased valuation?

A. Yes, sir.

Q. You say that benefit accrues to the railroad as well as the other property in the district?

A. Certainly does. If it don't earn a certain percent on increased business, I don't see why it don't. If the road wasn't earning but 3% without the improvement and with the improvement
300 earned 25% I think it would certainly be a benefit to it.

Cross-examination.

By Mr. McDonough:

Q. You are not a railroad man?

A. No, sir.

Q. Never operated a railroad?

A. No, sir.

Q. Don't know anything about the expense of operating one?

A. No, sir.

Q. Do you know anything about the value of this railroad?

A. No, sir.

Q. How about benefits against the railroad property. You assessed it as you did because you thought the railroad would get increased business if this road were built?

A. Yes, sir.

Q. Because of more stuff to haul in and more to haul out?

A. Yes, sir.

Q. And would receive a benefit from the general development of the country?

A. Yes, sir.

Q. In assessing the lands in zone one, you assessed that benefit against the lands at \$12.00 per acre, because you considered that the land by having the improvement, would be worth that much more per acre, didn't you?

301 A. Yes, sir.

Q. That is the reason you placed it there?

A. Yes, one reason.

Q. It may have been assessed for general tax purposes, at \$3.00 per acre, \$5.00 per acre, or whatever it might be, so you added as benefit which in your opinion would increase the value of the land to \$12.00 per acre?

A. Yes, sir.

Q. You thought the land would increase and be worth \$12.00 per acre when the road was built, and that was the reason you placed that benefit against it?

A. Yes, sir.

Q. You really think that on the market it will be worth that much more?

A. Yes, sir.

302 P. S. KINSWORTHY, being first duly sworn, testified as follows:

Direct examination.

By Mr. Dulaney:

Q. Your name is P. S. Kinsworthy?

A. Yes, sir.

Q. Where do you live?

A. Wilton, Arkansas.

Q. This is in Road District No. 6?

A. Yes, sir.

Q. How long have you lived at Wilton?

A. About 25 years.

Q. You have lived in the south end of Sevier county, and the last 25 years of that time in Little River county, all your life?

A. Yes, sir; with the exception of about four years that I lived in Texas and Louisiana before I came to Little River county.

Q. You are one of the commissioners in Road District No. 6?

A. Yes, sir.

Q. You are familiar with the lands in the District?

A. Yes, sir.

Q. With the railroad property of the Kansas City Southern and the Texarkana & Fort Smith?

A. Yes, sir.

Q. What business are you engaged in?

303 A. General merchant and farmer.

Q. How much farm lands do you own, Mr. Kinsworthy?

A. In all, about 1300 acres. Not all farm land, however, most of it is in Sevier county that is in cultivation?

Q. Do you own any land in this county?

A. Yes, sir.

Q. Now, you are familiar with the specifications for this proposed improvement?

A. Yes, sir.

Q. The route, of course, that the road takes?

A. Yes, sir.

Q. What, in your opinion, will be the benefit by reason of enhancement in value of the real property in the district?

A. Well, I would say that it would be 100% increase within a period of three or four years.

Q. You are familiar with Road District No. 1 from Ashdown to Ogden?

A. I am.

Q. With reference to the assessment of benefits against the railroad, as made by the Board of Assessors, as compared with assessments against other lands in the district—as compared with the benefit which will come to all the property in the district, which is subject to assessment,—what would you say with reference to the assessment being equitable?

304 A. I think it is pretty fair. Of course this is the way it is. If this road increases our commerce, it will increase the railroad's in proportion.

Q. By "our commerce" what do you mean?

A. The merchants and farmers. Of course we have to ship our cotton, and when we buy corn and stuff it comes over the Kansas City Southern.

Q. You mean such commodities as you raise here and ship away, and such as you ship in here?

A. Yes, sir.

Q. Will this proposed improvement and the construction of these roads open up any territory, the products from which will come to the Kansas City Southern to be carried to market points in this district?

A. Yes, it will open up this west country, in about Arden, and then Sevier county also.

Q. Will it open up territory north of Wilton?

A. Yes, sir; across the river.

Q. It also gives a connecting link with the gravel road running north and south?

A. Yes, sir.

Cross examination.

By Mr. McDonough:

Q. Where is your place of business?

A. Wilton.

Q. You are a member of the Board of Commissioners?

A. Yes, sir.

Q. Do you own lands at or about Mills Ferry?

305 A. No, sir; some down the river 2 miles.

Q. In cultivation?

A. Part of it is.

Q. Do the products from those lands come now to Wilton and Ashdown?

A. To Wilton.

Q. Where do the products go from the farms surrounding the west extension of this road?

A. A good deal of the cotton has been going to Foreman.

Q. How far is that from the Western extension of that road to Foreman?

A. Foreman is about 16 miles from Wilton.

Q. I am talking about how far it is from Foreman to Sections 3 and 4, or the western terminus of this lateral road?

A. Twelve miles.

Q. What is the nearest station on the Kansas City Southern from there?

A. Wilton.

Q. Only three miles?

A. Yes, sir.

Q. What kind of country from Wilton out as far as Section 4, along that road?

A. Pretty wet, upland country, and flat.

Q. Is there a road out there now?

A. Yes, sir.

306 Q. That cotton and corn and other products raised there within three miles of Wilton, and within a mile of the Kansas City Southern, now goes to Foreman, a distance of something like 12 miles away?

A. Not there, but a half mile further it does, and we propose to build this road through that wet country and draw the trade from Arden.

Q. You don't mean to say that products from Sections 3 and 4 here, directly West from Wilton 3 or 4 miles, now go to Foreman, 12 miles away?

A. Some of it does.

Q. About what proportion now goes to Foreman?

A. Fifty per cent of it.

Q. Wilton is the nearest railroad point there, and they have as good a road there as they have from there to Foreman, haven't they?

A. No, sir. That is a sandy land country and much better to travel. It is clayey and flat around Wilton.

Q. You mean the travel for several miles west goes to Foreman?

A. When you get back about 5 or 6 miles it goes to Foreman.

Q. Is it nearer to Foreman than to Wilton?

A. No, nearer to Wilton, but they can't get there in the winter at all.

Q. How far is it to Allene?

A. About the same distance to Wilton.

Q. Any business houses at Allene?

307 A. One or two.

Q. Does any of that trade go to Allene?

A. Some of it.

Q. Is Allene in the road district?

A. No, sir.

Q. How far is it to Winthrop?

A. Fourteen miles by railroad from Wilton.

Q. How far is it from Winthrop across to Foreman?

A. 10 or 12 miles.

Q. Isn't it a high, rather dry section of country from Winthrop across to Foreman?

A. Part is and part is not.

Q. This road, extending 3 miles west from Wilton you think will draw some of the trade that now goes to Foreman?

A. Considerable, yes, sir.

Q. You didn't put the Frisco in the district, did you?

A. No, sir; it is not in the district.

Q. The Frisco runs in there, into Ashdown, doesn't it?

A. Yes, sir; but our road district don't reach the Frisco.

Q. You didn't extend your district west to the Frisco?

A. No, sir.

Q. By the "benefits" you mean the amount of lands—farming lands for pasture lands, will be increased in value. That is the benefits you assessed against them?

A. I think so.

Q. And you think the development of the country or the building of the road will tend to develop the country or cause other people to come in and build up the country, and clear it up?

A. Yes, sir.

Q. And then more products will be raised and the railroad will be benefited?

A. Yes, sir.

Redirect examination.

By Mr. DuLaney:

Q. The same benefits that enure to the land by reason of good roads, by way of putting the country in such a condition that it can be developed, and more crops raised and better transportation facilities, thereby producing more business on the land, also produces more business for the railroad, does it not?

A. Yes, sir.

Q. You are not a railroad man?

A. No, sir.

Q. But I will ask you if the amount of business done by the railroad, like any other business, even farming, determines the value of the property operated?

A. It does, certainly. If it didn't they wouldn't build railroads.

309 JOEL MILLS, being recalled, testified as follows.

Examined by Mr. DuLaney:

Q. How many miles of this improved road is it proposed to construct?

A. 11.2 miles.

Mr. E. PHELPS, being recalled, testified:

Examined by Mr. McDonough:

Q. Is it a part of your business and duty to keep yourself informed as to the market value of the stocks and bonds of the Kansas City Southern Railway Company?

A. Yes, sir.

Q. Does the market value of these stocks and bonds have any weight or bearing upon what the property is worth in the market?

A. Yes, sir.

Q. State whether or not the value of those stocks and bonds in the market for the last 2 or 3 years has advanced any?

Counsel for Appellee objects to the foregoing question and answer; which objection was by the court overruled, and appellee at the time excepted to the ruling of the court.

A. It has gone down very materially in the last 4 or five years.

310 Cross-examination.

By Mr. DuLaney:

Q. The amount of business done by the Kansas City Southern during the last two or three years has been greater than heretofore, hasn't it?

A. I think the volume of business has been heavier, but the earnings for this last year in particular have been something like a million and a half dollars less than for the year before. I could give you the exact figures from the records, if you care to have them inserted in the record. Will be glad to give the net earnings for 1917 and the net earnings for 1918.

Q. No, do not care to encumber the record.

This was all the testimony in the case.

311

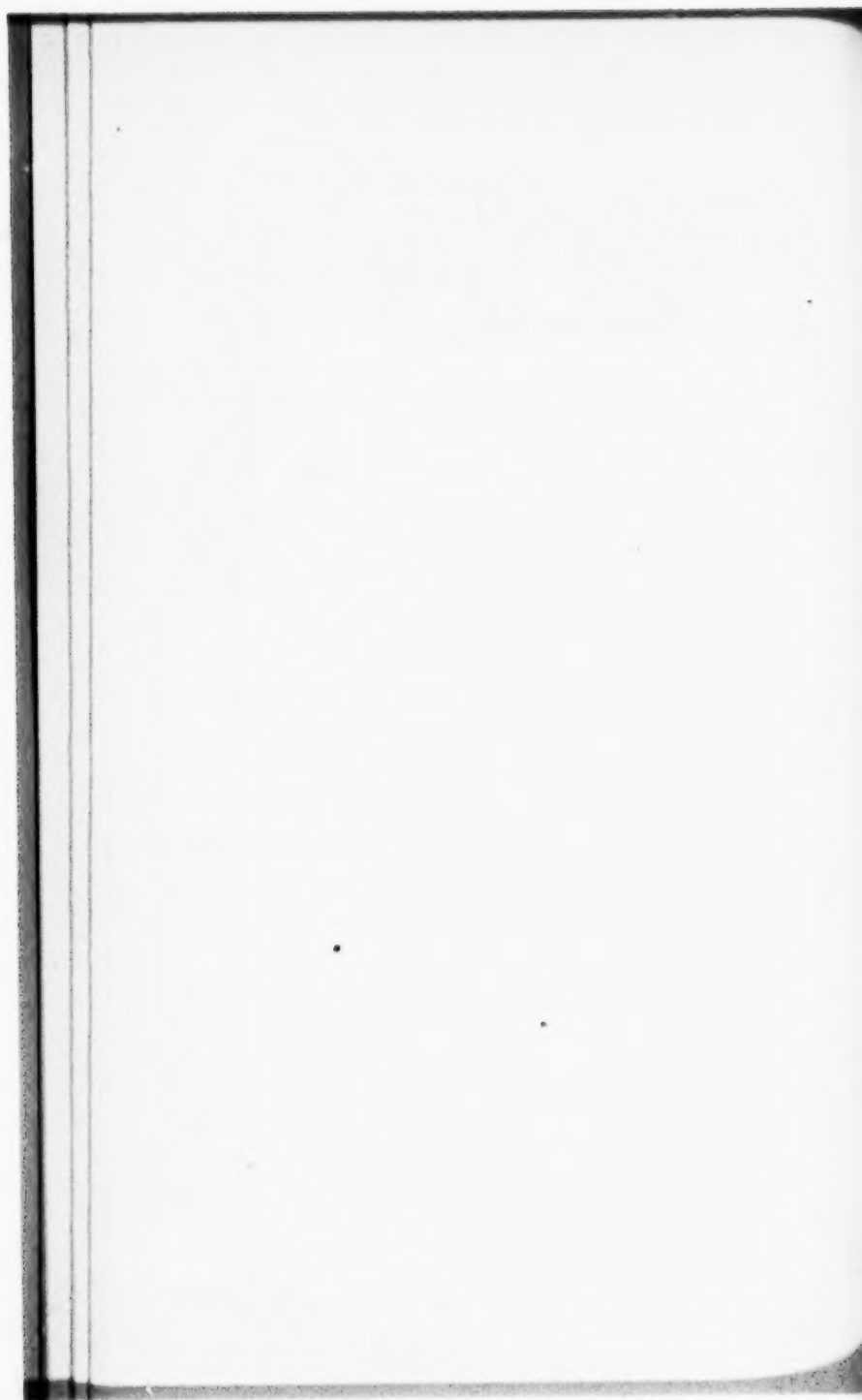
Certificate.

I, Mrs. C. E. May, do hereby certify that the foregoing 108 pages are a true and correct transcription of my shorthand notes taken at the trial of this cause, and that the shorthand notes were a true and correct report of all the proceedings in the case, to the best of my knowledge and ability.

Mrs. C. E. MAY.

(Here follow blue prints marked pp. 311a, 311b, and 311c.)





In the Circuit Court of Little River County.

In the Matter of ROAD IMPROVEMENT DISTRICT No. 6, Little River County, on the Appeal of the Kansas City Southern Railway Company and the Texarkana & Fort Smith Railway Company.

Motion for a New Trial.

Come the appellants, the Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and move the court for a new trial in this cause upon the following grounds, to-wit:

1. The court erred in sustaining the demurrer of the defendants to paragraph 1 of the complaint and prayer for appeal.

2. The court erred in sustaining the defendant's demurrer to paragraph 2 of the complaint and prayer for appeal.

3. The court erred in sustaining the defendant's demurrer to paragraph 3 of the complaint and prayer for appeal.

4. The court erred in sustaining, separately and severally, the demurrer to each of the following subdivisions of paragraphs 3 of the appeal and complaint of the appellants, which said subdivisions are lettered as follows: "a, b, c, d, e, f, g, h, i, j, and k". The court made a separate ruling of each sub-division so lettered, and the appellants saved separate and several exceptions to the action of the court in separately and severally sustaining the demurrer to each of said sub-divisions so lettered as above set out, and also erred in sustaining said demurrer to each of said paragraphs so lettered.

5. The court erred in sustaining defendant's demurrer to paragraph 4 of the complaint and prayer for appeal of appellants.

6. The court erred in rendering a judgment and decree confirming the assessments against the property of the appellants.

7. The court erred in not re-adjusting said assessments and in not fixing the assessments upon the property of the appellants in proportion to the acreage of their right of way to the entire acreage in said district.

8. The court erred in not setting aside the assessment of benefits on the ground that the same is illegal, unlawful and void.

9. The court erred in not holding that said assessment of benefits as made against the property of The Texarkana & Fort Smith Railway Company did not violate their right as guaranteed to them under Section 1 of the Fourteenth Amendment to the Constitution of the United States.

10. The court erred in not holding that said assessments, as made, deprived the Kansas City Southern Railway Company and The

Texarkana & Fort Smith Railway Company, and each of them, of their property, without due process of law, contrary to the Constitution of the State of Arkansas, and contrary to Section 1 of the

14th Amendment to the Constitution of the United States.
314 Premises considered, The Texarkana City Southern Railway Company and The Texarkana & Fort Smith Railway Company prays that the judgment of the court be set aside and a new trial be granted.

JAMES B. McDONOUGH,

Attorney for said Railway Companies.

Thereupon, said motion for new trial came on for hearing, and the court being sufficiently advised in the premises, overruled said motion, and The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company at the time excepted to the action of the court in overruling said motion.

Thereupon, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company prayed an appeal to the Supreme Court of Arkansas, which was by the court granted and said appellants, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company requested the court that they be given sixty days within which to prepare and file a bill of exceptions herein.

And now, within the time allowed, said appellants do now and here present the above and foregoing as the bill of exceptions herein and ask that the same may be signed, sealed and made a part of the record herein, which is by the court accordingly done.

315 Thereupon, the undersigned, being the Judge of the court who tried said cause, hereby certifies that the above and foregoing is a true and perfect copy of the bill of exceptions herein.

JAMES S. STEEL,

Judge of the Ninth Judicial

Circuit of Arkansas.

O. K.

A. D. DeLANEY,

JAMES B. McDONOUGH,

Bill of Exceptions filed March 14th, 1919.

JAS. H. WILLIAMS,

Clerk.

316

Civil Cost Bill.

| | |
|---|----------------|
| County court costs and transcript to Cir. Ct. | \$10.00 |
| Clerk cost in Circuit Court | 5.00 |
| Sheriff, J. R. Pierce | 1.00 |
| Transcript filing | \$.10 |
| 2 certificates | 1.00 |
| 87 pages at .25 | 21.75 |
| 61 pages at .40 | 24.40 |
| 51 indices at .10..... | 5.10 |
| Comparing and correcting copy of B/E for transcript | 3.00 55.30 |
| Total | \$71.40 |

Certificate.

STATE OF ARKANSAS,

County of Little River, ss:

I, JAS. H. Williams, clerk of the Little River Circuit Court, do hereby certify that the above and foregoing is a true and perfect statement of the costs rendered against the Appellants at the January Term, Feby. 19th, 1919, of said Court for which the Appellees may have execution.

In testimony whereof, I hereunto set my hand and affix the seal of said Court, on the 24th day of March, 1919.

[SEAL.]

JAS. H. WILLIAMS,

Clerk.

317 In the Little River Circuit Court, Little River County, Arkansas.

Clerk's Certificate.

THE STATE OF ARKANSAS,

County of Little River, ss:

I, Jas. H. Williams, Clerk of the Circuit Court within and for the County and State aforesaid, do hereby certify that the foregoing and annexed sheets of typewritten and printed matter, numbered 1 to 283, inclusive, contain a true and correct transcript of all the pleadings, process, notices, filings, Bill of Exceptions, and orders and judgments of the Little River County Court and the Little River Circuit Court in the matter of Road Improvement District Number Six in Little River County, Arkansas, as shown upon the files and records of this office; save and except plans, specifications, estimates and exhibits thereto attached.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court this 24th day of March, 1919.

[SEAL.]

JAS. H. WILLIAMS,

Circuit Clerk.

318 No. 5743.

KANSAS CITY SOUTHERN RAILWAY COMPANY AND TEXARKANA & FORT SMITH RAILWAY COMPANY, Appellants.

vs.

ROAD IMPROVEMENT DISTRICT No. 6 OF LITTLE RIVER COUNTY, Appellee.

Transcript.

Filed April 19, 1919.

W. P. SADLER,

Clerk,

By C. R. STEVENSON,

D. C.

319 STATE OF ARKANSAS,
In the Supreme Court, ss:

Be it remembered, that at a term of the Supreme Court of the State of Arkansas, begun and held on the 26th day, being the fourth Monday of May, A. D. 1919, at the Courthouse, in the City of Little Rock, the following proceedings were had, to-wit: On the 20th day of June, 1919, a day of said term:

KANSAS CITY SOUTHERN RAILWAY COMPANY et al., Appellants,

vs.

ROAD IMPROVEMENT DISTRICT NO. 6, OF LITTLE RIVER COUNTY,
Appellee.

This cause having heretofore been noted for oral argument, the same is now by the Court set down for such argument on July 7th prox.

May Term, 1919.

(Caption Omitted.)

July 7, 1919.

This cause being regularly called, come the parties thereto by their attorneys, and said cause is submitted upon the transcript of the record, the briefs filed and upon oral argument, and is by the Court taken under advisement.

320 May Term, 1919.

(Caption Omitted.)

July 14, 1919.

This cause came on to be heard upon the transcript of the record of the circuit court of Little River county, and was argued by counsel, on consideration whereof it is the opinion of the Court that there is no error in the proceedings and judgment of said circuit court in this cause.

It is therefore considered by the Court that the judgment of said circuit court in this cause rendered be, and the same is hereby, in all things, affirmed with costs.

It is further considered that said appellee recover of said appellant all its costs in this Court in this cause expended, and have execution thereof.

In the Supreme Court of Arkansas, July 14, 1919.

No. 89.

KANSAS CITY SO. RY. CO.

v.

ROAD IMP. DIST. No. 6 of Little River County.

Opinion.

McCulloch, C. J.:

Pursuant to the terms of Act, No. 338 of the legislative session of 1915, the county court of Little River county, by order entered on May 14th, 1918, on petition of property owners, created an improvement district in that county designated as "Road Improvement District No. 6 of Little River County" for the purpose of constructing a road running northward from Ashdown, the county site, about eleven or twelve miles. There was no appeal from said order of the county court creating the district. The road to be improved runs parallel with the line of railroad of the Kansas City Southern Railway Company, and 9.7 miles of the railroad right-of-way is included in the district, as well as station property, and after the assessment of benefits was made by the board of assessors and a certificate thereof filed with the clerk of the county court pursuant to section 13 of the aforesaid statute, the date for hearing on the assessments before the county court was set for August 23rd, and appellant appeared in the county court for the first time and made objections to the assessment against the railroad property. The county court overruled the objections to the assessment and appellant prosecuted an appeal to the circuit court. In addition to the objections to the fairness and correctness of the assessments, appellant filed a written plea attacking the validity of the organization of the district on various grounds, viz: that the original petition for the improvement filed in the county court did not contain a majority of the property owners, that the petition specified certain tracts of land to be embraced in the district which were omitted by the order of the county court, that the road to be improved was not a public road, that the description of the boundaries of the district set forth in the original petition were vague and uncertain, and that the notice of the hearing on the petition was not published as provided by law. There were several other objections to the validity of the order, which it is unnecessary to set forth. The plea also attacked the fairness and uniformity of the assessments.

The circuit court sustained a demurrer to those paragraphs of appellant's plea attacking the validity of the statute and the proceedings creating the district, and confined the hearing entirely to the question of the correctness of the assessments. Testimony was introduced by both parties on that issue and judgment was entered

by the circuit court approving the assessments as made by the board of assessors and approved by the county court.

The first contention is that the court erred in sustaining the demurrer to appellant's plea attacking the validity of the district. Counsel for appellant relies on the decision of the court in the case of *Lee Wilson Co. v. Road Improvement District No. 1*, 127 Ark. 310, where, on appeal from the assessment of benefits in a road improvement district formed under this same statute, we said: "Appellants made no attack upon the organization of the appellee district in the court below. But as the organization of the district was essential to any valid local assessments and levies, the question as to whether there was such organization was one of jurisdiction which appellants have the right to raise at any time."

Counsel for appellee rely on the decision of this court in *Mo. Pac. Rd. Co. v. Conway County Bridge Dist.*, 134 Ark. 292, where, under a special statute creating an improvement district and authorizing an appeal by property owners from the assessment of benefits, the court held that on such an appeal a property owner could not attack the validity of the statute creating the district, and that the inquiry on such appeal was confined to the ascertainment of the correctness of the assessment of benefits, the property owners being left to other remedies in attacking the validity of the organization of the district. The latter case was followed and the same rule applied in the case of *C. R. I. & P. Ry. Co. v. Road Improvement Dist. No. 1 of Prairie County*, 209 S. W. 725. In that case the improvement district was created under a special statute (Acts 1913, p. 864) authorizing the creation of road improvement districts in Lonoke and Prairie counties. That statute was similar to Act No. 338 of the session of 1915 except that it applied only to the two counties mentioned.

It is contended by counsel for appellant that those cases are reconcilable with each other and that appellant's right to attack the validity of the order creating the district is sustainable under the decision in *Lee Wilson Co. v. Road Imp. Dist. No. 1*, supra, without conflicting with the decisions in the later cases which arose under special statutes. It is true, as before stated, that the two last mentioned cases arose under special statutes, and that in the first of those cases the statute itself created the improvement district, but in the last case the district was created by an order of the county court and in that respect is almost, if not entirely, identical with the facts in the case of *Lee Wilson Company v. Road Imp. Dist. No. 1* supra.

We are of the opinion that the cases are apparently in conflict and that, while the questions arose under different statutes, the principles which control are the same. In the last two cases we proceeded upon the theory that after the creation of the district there was conferred merely the privilege to appear before the board of assessors and the county court for the sole purpose of testing the correctness of the assessment of benefits and that the circuit court on appeal derived only such powers as the board of assessors and the county court has.

Section 3 of Act No. 338, supra, provides that an order of a county court establishing a road improvement district "shall

have the force and effect of a judgment and shall be deemed conclusive, final and binding upon all territory embraced in said district, and shall not be subject to collateral attack, but only to direct attack on appeal," and that any property owner "may appeal from said judgment within thirty days by filing an affidavit for appeal, stating in said affidavit the special matter on which said appeal is taken." And in section 13 of the same statute, providing for notice of the filing of assessments and the appearance of property owners to contest the same, the proceedings are expressly limited to "the purpose of having any errors adjusted, or any wrongful or grievous assessment corrected." Section 14 provides for an appeal by a property owner from an order of the county court approving or readjusting the assessments.

These features of the statute place it in the same category with a special statute creating an improvement district and makes the same principle applicable as is announced by the last two cited cases of this court. These features of the statute were not called to our attention in the case of *Lee Wilson Company v. Road Imp. Dist. No. 1*, supra, and were not discussed in the opinion. The brief statement of the law in that case declared a correct principle that in all legal proceedings the question of jurisdiction may be raised at any stage of those proceedings, even on appeal to this court, but we failed to take cognizance of the principle that the right to raise the question of jurisdiction at any stage is limited to the same proceeding, and not to be a separate proceeding. Under the statute now under consideration the organization of the district and the proceedings for the assessment of benefits and adjustment of the same are entirely different proceedings. While the abstract principle of law was correctly announced in the case of *Lee Wilson Co. v. Road Imp. Dist. No. 1*, supra, it was not applicable in that case, and after declaring it we determined that there was nothing in the record, as disclosed on appeal to show the want of jurisdiction and we declined to disturb the proceedings on that ground. The case was reversed on the sole ground of the obvious unfairness of the assessments. After further consideration of the whole matter we reach the conclusion now that the principle announced in the two last cases (*Mo. Pac. Rd. Co. v. Conway County Bridge Dist.* supra; *C., R. I. & P. Ry. Co. v. Road Imp. Dist. No. 1 of Prairie County*, 209 S. W. 725, supra) is the correct one and is applicable to the present case, and so much of the language of the opinion in *Lee Wilson Co. v. Road Imp. Dist. No. 1*, supra, as conflicts with this view is disapproved.

This leaves only for consideration the question of correctness and fairness of the assessments. In cases of this character, where the appeal is from a judgment of the circuit court, we apply the rule that the judgment will not be disturbed if the evidence is legally sufficient to sustain the findings. *St. L. & S. F. Rd. Co. v. Fort Smith & Van Buren Bridge Dist.*, 113 Ark. 493; *Mo. Pac. Rd. Co. v. Conway County Bridge Dist.*, supra; *C. R. I. & P. Ry. Co. v. Road Imp. Dist. No. 1 of Prairie County*, supra.

This case was heard on oral evidence adduced by both parties to the controversy and the testimony is conflicting. That adduced by appellee tends to show that the assessments were fair

and uniform. It would serve no useful purpose to discuss the testimony in detail, for we find it to be legally sufficient to sustain the judgment of the circuit court.

One of the principal points of attack is that the assessment of benefits exceeds the cost of the improvement and that the assessment is erroneous on that account. We cannot say, as a matter of law, that benefits from the construction of a given improvement will not accrue to real property in excess of the cost of such improvement. The law does not thus limit the assessment of benefits, but there cannot be a collection of funds in excess of the total cost of the improvement, including, of course, the interest on money borrowed, and all other expenses of the proceedings. Property owners cannot be compelled to contribute funds for any other purposes than those contemplated by the organization of the district and funds in excess of the amount necessary for those purposes cannot be collected, but the question of estimate of benefits in the beginning is a different one, and they are not necessarily limited to the actual amount of money to be raised. Benefits are first appraised and then taxes levied based upon those benefits to raise funds to carry out the
328 purposes of the organization.

It is contended that the evidence shows that the benefits were not assessed uniformly in that private property was not assessed in the same proportion as railroad property. The testimony of the assessors shows that they considered all of the elements which entered into the question of benefits or enhancement of values, and we cannot say that appellant has been discriminated against in the assessment of its property, or that the fairness of the assessments, as a whole, is not sustained by legally sufficient testimony.

The judgment is, therefore, affirmed.

Wood and Hart, J. J. dissent.

329

May Term, 1919.

(Caption Omitted.)

September 22, 1919.

The petition for rehearing in this cause having been filed within the time allowed by law and the same having been duly served, said petition is now called and is submitted upon the briefs and response filed, and by the Court taken under advisement.

330

In the Supreme Court of Arkansas.

No. 5743.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Appellants,

vs.

ROAD IMPROVEMENT DISTRICT No. 6 of Little River County, Appellees.

Petition for a Rehearing.

Come the appellants, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and petition the Court herein for a rehearing in this cause upon the following grounds:

1.

The Court erred in holding that the court below committed no error in sustaining the demurrer to paragraphs 1 to 4 inclusive, of the appellants' plea, attacking the validity of the proceedings creating the district.

2.

The Court erred in overruling the case of Lee Wilson Company v. Road Improvement District No. 1, 127 Ark. 310.

3.

Under the rule established in Lee Wilson Company v. Road Improvement District No. 1, 127 Ark. 310, which was a rule of property in the State of Arkansas, at the time that the appellee was organized as a District, the appellants herein had the right to attack the validity of the proceedings relating to the organization of said District, and to hold now that appellants have not such right is to deny appellants a right guaranteed by Sections 1 and 2 of the 14th amendment to the Constitution of the United States. The appellants relied upon the rule in the Lee Wilson case, and in the present proceedings following the rule in that case, set up the invalidity of the proceedings in the present case. The right to attack those proceedings was a property right, and to deny the appellants that property right now is to take their property without due process of law, contrary to Section 1 of the 14th Amendment to the Constitution of the United States, and contrary to the Constitution of the State of Arkansas.

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4.

The Court erred in the opinion handed down in refusing to hold that the attempted assessment of benefits under Act 338 of the General Assembly of the State of Arkansas is an unreasonable and unlawful burden upon interstate commerce, said assessment amounting to \$7000.00 per mile, of appellants' railroad.

5.

The Court erred in not holding that the District was invalid, because the original petition did not contain a majority either in number, acreage, or value of the property owners in the District.

6.

The Court erred in not holding that a change in the boundaries of the District invalidated said District.

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7.

The Court erred in refusing to hold that the District was invalid although the roads sought to be improved were not public roads.

8.

The Court erred in refusing to hold that the failure to publish the notice mentioned in paragraph *g* of appellants' plea did not invalidate said District.

9.

The Court erred in refusing to hold that paragraphs *a, b, c, d, e, f, g, h, i, j, and k*, of subdivision 3 of the appellants' plea did not constitute a defense for the appellants.

10.

The Court erred in refusing to hold that the assessment of benefits against the appellants' property was arbitrary, unjust and confiscatory, and that said assessment took the property of the appellants in violation of Section 1 of the 14th amendment to the Constitution of the United States.

11.

The Court erred in upholding an assessment of \$7,000.00 per mile, whereas said assessment, if assessed upon the same basis as other property, would not exceed \$50.00 per mile.

12.

333 The Court erred in upholding an assessment of \$7,000.00 per mile on appellants' property, which included the improvements on appellants' property, whereas on farm property, and on the property of all other property owners in said District, the improvements on the property were not assessed, and were not considered.

13.

The action of the Court in approving said assessment denied to the appellants the equal protection of law, in violation of Section 1 of the 14th amendment to the Constitution of the United States.

14.

In the opinion handed down, the Court has inadvertently failed to consider and pass upon each of the Federal questions raised in the pleadings in this cause, and discussed in the briefs of appellants filed herein.

15.

The Court erred in holding that the appellants' property under the testimony in the case, was benefited in any way. To hold that the appellants' property is benefited, is to deny the appellants of their property without due process of law, and to deny to them the equal protection of the law, as guaranteed to them by Section 1 of the 14th amendment to the Constitution of the United States.

16.

334 The Court has inadvertently failed to consider the unjust, arbitrary and illegal assessments in that said assessments disregard improvements on farm lands and take into consideration the improvements on the appellants' property.

17.

The Court erred in disregarding the question of the assessments upon the acreage basis.

18.

The Court erred in upholding said assessment of \$7,000.00 per mile because said assessment included assessments on the personal property of the appellants, contrary to law and contrary to Section 1 of Article 14 of the Constitution of the United States.

19.

The Court erred in refusing to hold that the Improvement District in question was a mere scheme to levy a general tax upon the property of the appellants, and thereby deprive appellants of their property without due process of law, and contrary to Section 1 of Article 14th of the Constitution of the United States.

20.

The Court erred in upholding the assessments, because to exact and take from the appellants a tax of \$7,000.00 per mile is to take nearly enough money from the appellants alone, to build the improvement in contemplation, and such an assessment is confiscatory, unjust and wrong, on its face, and in violation of Section 1 of Article 14 of the Constitution of the United States.

Premises considered, the appellants pray that a rehearing be granted to them herein, and that this cause be Reversed.

JAMES B. McDONOUGH,

Attorney for Appellants.

Certificate.

I, James B. McDonough, do hereby certify that I am attorney for the appellants in the above entitled cause, and that I have read over the above and foregoing petition for rehearing, and I further certify that in my opinion the said petition for rehearing is well taken, and that this petition for rehearing is not filed for delay, but is filed for the purpose of calling this Court's attention to the grave error and injustice about to be done the appellants in this cause.

JAMES B. McDONOUGH,

*Attorney for the Kansas City Southern
Railway Company and The Texarkana
& Fort Smith Railway Company.*

Endorsement on Back:

No. 5743.

The Kansas City Southern Railway Company and The Texarkana
and Fort Smith Railway Company, Appellants,

v.

Road Improvement District No. 6 of Little River County, Appellee.

Petition for Rehearing.

Filed July 26, 1919.

W. P. Sadler, Clerk.

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May Term, 1919. (Caption Omitted.)

September 29, 1919.

Being fully advised, the petition for a rehearing filed in this cause, by the Court overruled.

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Authentication of Record.

SUPREME COURT,

State of Arkansas, ss:

I, W. P. Sadler, clerk of said court, do hereby certify that the foregoing is a true, full and complete transcript of the record and proceedings in the case of The Kansas City Southern Railway Company and The Texarkana and Fort Smith Railway Company, appellants, vs. Road Improvement District No. 6 of Little River County, Arkansas, Appellee, and also of the opinion of the court rendered therein, as the same now appears on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at my office, in Little Rock, Arkansas, this November 14, 1919.

[Seal of the Supreme Court of Arkansas.]

W. P. SADLER,

Clerk Supreme Court of Arkansas.

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In the Supreme Court of Arkansas.

No. 5743.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Plaintiffs in Error,

vs.

ROAD IMPROVEMENT DISTRICT No. 6, of Little River County, Arkansas, Defendant in Error.

Assignments of Error.

To be presented as a part of the petition in error for the removal of this cause for review from the Supreme Court of the State of Arkansas to the Supreme Court of the United States.

Come now plaintiffs in error, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and file herewith their petition for writ of error, and also this assignment of error, and allege and say that there are errors in the records and proceedings in the above entitled cause tried and recently determined in the Supreme Court of Arkansas, which is numbered 5743 in said

Supreme Court of the State of Arkansas, and in which a final judgment was entered on the 29th day of September, 1919, and for the purpose of having this cause reviewed and the errors corrected in the Supreme Court of the United States and the said cause reversed, the said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company make the following assignments of error:

I.

The Supreme Court of the State of Arkansas erred in holding and deciding in this cause, that there was sufficient evidence to show that the assessments against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company were fair and uniform. The said evidence upon which the Supreme Court of Arkansas based that finding tended only to show that the construction of the highway contemplated might result in bringing persons into that community to improve the lands and that the improvement of the lands might at some time in future result in increased traffic to The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and that that increased traffic which might come some time in the future, would up-build the country in general, and thereby be a benefit to the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company. The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company assert and contend that any future benefits arising from increased traffic are not benefits within the meaning of the law, and are not benefits such as would under the laws of Arkansas, authorize an assessment of \$67,900.00 against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company. The latter companies therefore contended and asserted that an assessment against their property under the circumstances, took their property without due process of law and denied to them the equal protection of the laws, as guaranteed to them by Section 1 of the 14th Amendment to the Constitution of the United States. The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company based this contention upon said Section of the Constitution, and there was thereby drawn in question a right of property and a privilege and immunity guaranteed to The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company by Section 1 of the 14th Amendment to the Constitution of the United States, and the Supreme Court of the State of Arkansas erred in upholding said assessments, thereby in effect holding against said right of property and said privilege and immunity of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company.

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II.

The only authority under which the assessors, Commissioners, County Court and the Circuit Court acted in adjudging said assess-

ments against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company was Section 11 of Act 338 of the General assembly of Arkansas of 1915, which said Section is found at page 1412 of said Acts, and said Section is as follows:

"The assessors shall assess the benefits to be received by the several and particular tracts of land, railroads, tramroads and other real property within the district by reason of the improvement. All lands embraced in said district shall be entered upon said book in convenient subdivisions, as surveyed by the United States, and appearing upon the assessment books in force at the time in said county in appropriate columns, showing: (1) Name of the owner; (2) subdivision of land; (3) number of acres; (4) present assessed value; (5) assessed benefits per acre; (6) assessed benefits to each tract; and, if it be a railroad, or tramroad, the name of the owner thereof, the supposed mileage in said district, the present assessed value of said railroad and other property belonging to said company, and the amount of assessed benefits per mile, and the total amount of the benefits assessed against said railroad or tramroad, and no error in the name of owners, or description of property shall invalidate said assessment, if sufficient description is given to identify same, and any error or mistake in making said assessment may be corrected at the hearing hereinafter provided for."

Under said Section the assessors and the Commissioners and the County Court and by appeal, the Circuit Court of Little River County, were required to find the amount of assessed benefits per mile against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and also the total amount of the benefits assessed against said railroad property. In making said assessment the assessors and said courts, as is shown by the transcript of the proceedings in said cause, which is hereto attached and made a part hereof, took the assessment made against the property of said railroad companies for general taxation. The value against said railroad property assessed for general taxation included the value of all property of said railroad companies both tangible and intangible, and included the franchise of said railroad corporations, except the right to be a corporation, and also

341 all railroad tracks, rolling stock, water and fuel stations, passenger and freight depots, office furniture and other personal and real property. The franchise of a railroad company other than its right to be a corporation, is declared to be property for the purpose of taxation, and the value of such franchise is included in the assessment. Therefore, said Board of Assessors and said Commissioners and said County Court and the Circuit Court included in the assessment of the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company all the property of said companies, whether located within or without the State of Arkansas. At least, in fixing the value of the property within the Improvement District, the value of all of the property of said companies was taken into consideration, and thereby there was

included in said assessment of \$67,900.00 against the property of these railroad companies a certain amount of the personal property of said appellants, and also necessarily all improvements of every nature and description located on the right of way and roadbed of these railroad companies. Said assessors and commissioners in making said assessments therefore included therein a part of the personal property belonging to said railroad companies; whereas in making the assessments against other property owners, none of the personal property of the other property owners was included. In addition, in taking the value upon the property of said railroads found in said road improvement district, and in assessing the same at \$7,000.00 per mile benefits, the said assessors assessed against the property of said railroad companies benefits upon the intangible values and the franchise values, and upon property located outside of the State of Arkansas. In making the assessments against the property of other property owners, the said assessors included only the value of the property located within said improvement district. In addition, the said assessors and commissioners included in the

342 valuation of the property of said railroad companies all improvements located thereon; whereas in the country districts which constituted nearly the whole of the area of said improvement district, the value of property other than railroad property was taken as the naked value of the land, without including any improvements. Even permanent buildings and structures which were a part of the real estate as a matter of law, were by said assessors excluded from said farms, and real estate. The said assessments against the farms being made at a value of from \$4.00 an acre to \$12.00 an acre, whereas the assessments were made against the property of these railroad companies at about \$525.00 per acre, or approximately eighty-seven times as much as the property of the farmers.

The said assessors and commissioners and said courts by that action, therefore denied to The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company the equal protection of the laws, and took from them their property without due process of law, contrary to Section 1 of the 14th Amendment to the Constitution of the United States, the acts of said assessors, commissioners and courts being repugnant to said clause of the Constitution of the United States as herein shown. By the said judgment and decision above referred to, the Supreme Court of Arkansas erred in denying to The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company the said right of property and protection under the facts in this record guaranteed to them by the Section of the Constitution last named. The said right of property and also the privilege and immunity of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company was drawn in question by said decision of the Supreme Court of the State of Arkansas, and said Supreme Court of the State of Arkansas erred in holding that said assessments were uniform, legal, fair and just, and thus denied to The Kansas City Southern Railway Company and The Texarkana & Fort Smith Rail-

any Company their rights of property guaranteed to them by said Section 1 of the 14th Amendment to the Constitution of the United States.

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III.

The said Supreme Court of the State of Arkansas erred in upholding by the decision above referred to, the said assessments. The said decision of the Supreme Court of the State of Arkansas upheld the decision of the assessors and commissioners, and the County Court and the Circuit Court, in making said assessments against the property of said railroad companies. In making said assessments, the said assessors and commissioners based the same upon the following elements of benefit, and none other:

First: Supposed profits which would be made by The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company some time in the future, said profits resulting from increased traffic, brought about by the up-building of the country in general.

Second: The said increased traffic, and hence increased revenue which The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company might receive, which might result from the clearing up and the putting in cultivation of lands in said district not now in cultivation, and by the general improvement and up-building of the country within the district, and that this general improvement might result from the construction of the highway proposed to be built.

The Supreme Court of Arkansas has repeatedly held that the only foundation upon which an assessment for local improvements like that of the highway in controversy should be based, was that the construction of said improvement would result in the increased value of the property to be charged with the assessment. By the above decision and judgment, the Supreme Court of Arkansas has erroneously held that the evidence above referred to was evidence of an increase in the value of the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company. The Supreme Court of Arkansas therefore erred in upholding said assessments and erred in holding that the future increase in traffic was a benefit within the meaning of the law, and

344 Court by that holding thereby denied to The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company a right of property guaranteed to them by Section 1 of the 14th Amendment to the Constitution of the United States, and the said Supreme Court of Arkansas erred in holding that the appellants had not been discriminated against in the assessment of their property at the amount heretofore named.

IV.

The Supreme Court of Arkansas erred in holding that the fairness of the assessments in controversy was sustained by legally sufficient testimony. The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company asserted before said county Court and the other Courts, and alleged that the testimony was insufficient, and that it showed no benefits to the property of the appellants, and therefore there was drawn in question a right of property of the appellants, railroad companies, guaranteed to them by Section 1 of the 14th Amendment to the Constitution of the United States. The effect of said decision of the Supreme Court of Arkansas was to deny to the said road companies that right.

V.

The Supreme Court of Arkansas erred in refusing to hold that the said assessments under the evidence in this record were a burden upon Interstate Commerce. The said assessments as is shown above, were made upon the value of property located outside of the district, and outside of the State of Arkansas, and were made as exactions against the property of the railroad companies, which property is engaged in Interstate Commerce, and therefore said assessed benefits were assessed on account of the value inhering in the property of the railroad companies from the operation of said property in Interstate Commerce, and thereby said assessments are a direct burden laid upon Interstate Commerce, in violation of Section 8 of Article 1 of the Constitution of the United States. The Supreme Court of Arkansas erred in refusing to so hold. The

345 Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, by their actions and pleas in this cause, drew in question their rights guaranteed to them under said Section 8 of Article 1 of the Constitution of the United States, and the decision of the Supreme Court of the State of Arkansas in effect denied to said railroad companies their rights guaranteed to them under said Section of the Constitution of the United States.

VI.

The Supreme Court of the State of Arkansas erred in affirming said judgment and in refusing to hold that said assessments were unjust and in refusing to set aside said assessments. The said assessments being a burden upon Interstate Commerce, and the said proceedings levying said assessments against the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, deprive said companies of their property without due process of law, contrary to the sections of the Constitution of the United States above referred to.

For each and every one of the errors above set forth, and for all of them, the appellants, The Kansas City Southern Railway Com-

any and The Texarkana & Fort Smith Railway Company pray that the said judgment of the Supreme Court of the State of Arkansas made final on the 29th day of September, 1919, be reversed and that this cause be remanded with directions, and that the appellants herein have all relief to which they are entitled in law.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,
By JAMES B. McDONOUGH,

Their Attorney.

Filed November 5, 1919.

W. P. SADLER,
Clerk.

46 In the Supreme Court of the State of Arkansas.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Plaintiffs in Error,

vs.

ROAD IMPROVEMENT DISTRICT No. 6 of Little River County, Arkansas, Defendant in Error.

Petition for Writ of Error.

Addressed to Chief Justice of the Supreme Court of the State of Arkansas, in a Cause Pending in said Supreme Court of the State of Arkansas and Numbered Therein 5743 and Entitled The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company v. Road Improvement District No. 6 of Little River County, Arkansas.

UNITED STATES OF AMERICA,

State of Arkansas:

To the Honorable Chief Justice of the Supreme Court of the State of Arkansas:

The petitioners and plaintiffs in error, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, respectfully show and allege that in the above entitled cause, the Supreme Court of the State of Arkansas on the 14th day of July, 1919, entered an order affirming the judgment of the Circuit Court of Little River County, State of Arkansas, but said order and judgment did not at that time become final because within the time allowed by the rules of the Supreme Court of the State of Arkansas, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, plaintiffs in error herein, filed in said Supreme Court of the State of Arkansas, petition for a rehearing. The said petition for a rehearing came

on for hearing and decision on the 29th day of September, 1919.

On that day the Supreme Court of Arkansas denied the

347 petition of The Kansas City Southern Railway Company and

The Texarkana & Fort Smith Railway Company for a rehearing in this cause, and on said day rendered a final judgment against the petitioners, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company in said cause, thereby adjudging that the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company claimed to be located within the boundaries of Road Improvement District No. 6 of Little River County, State of Arkansas, was benefited in the sum of Seven Thousand Dollars (\$7,000.00) per mile, making a total sum of benefits adjudged against the property of the petitioners amounting to \$67,900.00, and in said judgment the Supreme Court of Arkansas affirmed the judgment of the Circuit Court of Little River County, Arkansas, which latter court affirmed the judgment of the County Court of Little River County, State of Arkansas, adjudging and declaring that the property of the appellants had been benefited in said sum of \$67,900.00.

Said plaintiffs in error further allege that the Supreme Court of Arkansas is the highest court of said State of Arkansas in which a decision could be had, and your petitioners claim the right to remove said judgment and said cause for review and correction of errors to the Supreme Court of the United States, by writ of error, under Section 237 of the Judicial Code of the United States, being Section 237 of the Act of Congress of March 3, 1911, and known as the Judicial Code of the United States, as amended in 1916 and thereafter, because in said judgment and decision of the Supreme Court of Arkansas there are drawn in question certain rights, immunities and privileges of the Kansas City Southern Railway Company and

The Texarkana & Fort Smith Railway Company guaranteed

348 to them by Section 1 of the Fourteenth Amendment to the

Constitution of the United States, and because the assessments against the property of your petitioners are an unlawful burden on interstate commerce contrary to section 8 of Art. 1 of the Constitution of the United States.

Your petitioners, as will appear by reference to the proceedings in this cause, which proceedings are hereby referred to and made a part of this petition in error, under Act No. 338 of the General Assembly of Arkansas of 1915, appeared in the County Court in accordance with their rights under said act and in accordance with the terms of said Act, and in said County Court contested the correctness and validity of the assessments made by the assessors and commissioners of Road Improvement District No. 6 of Little River County. In the plea of your petitioners in said County Court of Little River County, which plea was renewed in the Circuit Court of Little River county, your petitioners set up and relied upon their rights, immunities and privileges guaranteed to them by Section 1 of the Fourteenth Amendment to the Constitution of the United States, and further asserted in said plea that the said assessments attempted to be made

by the assessors and commissioners of Road Improvement District No. 6 of Little River County were an illegal exaction and an unlawful burden on interstate commerce, (your petitioners being engaged in interstate commerce,) in violation of Section 8 of Art. 1 of the Constitution of the United States.

Your petitioners respectfully allege and assert that the assessors and commissioners of Road Improvement District No. 6 of Little River County, Arkansas, and the County Court of said county, and the Circuit Court have no authority to make assessments against the property of your petitioners except as provided in Sec. 11 of Act No. 338 of the Acts of Arkansas of 1915. Your petitioners respectfully allege and show that the judgment and decision of the Supreme

Court of the State of Arkansas in affirming the judgment 349 of the Circuit Court of Little River County, which latter court had affirmed the judgment of the County Court of Little River County, denied to your petitioners the equal protection of the laws and deprived your petitioners of their property without due process of law, contrary to Section 1 of the Fourteenth Amendment to the Constitution of the United States, upon the following grounds, and for the following reasons, to-wit:

(1) Upon the undisputed evidence in the proceedings herein, there is no testimony to show that the property of your petitioners will be benefited by the highway contemplated and proposed to be built by Road Improvement District No. 6 of Little River County, Arkansas.

(2) In making the assessments against the property of your petitioners the assessors and commissioners included in the valuation of said property the tangible and intangible property of your petitioners, and included therein a part of the personal property of your petitioners, and at the same time assessed benefits against the farms and lands in said improvement district without assessing any of the personal property of any property owner other than your petitioners.

(3) In making said assessment of benefits against the property of your petitioners the said assessors and commissioners included therein all the improvements on the right-of-way and road bed of your petitioners, but in making the assessments against adjoining lands and farms said assessors and commissioners excluded the improvements upon the farm lands and assessed the benefits against said farm lands by the acre, ranging from \$4.00 an acre to \$12.00 an acre, and at the same time assessed benefits against your petitioners' property exceeding the sum of \$500.00 per acre.

350 (4) The said assessors and commissioners in assessing the property of your petitioners included therein a part of the property, and the use and value thereof, of your petitioners located in States other than in the State of Arkansas, and also the value of property of your petitioners located outside of said improvement district within the State of Arkansas, whereas in assessing benefits to other real property-owners the said assessors and commissioners took

into consideration and assessed against said other property owners only the the property located in said improvement district.

(5) The said assessors and commissioners assessed against the property of your petitioners benefits amounting to \$7,000.00 per mile, making a total assessment against the property of your petitioners amounting to \$57,900.00.

(6) The said assessment of alleged benefits against the property of your petitioners is confiscatory, illegal, unjust, discriminatory and void.

(7) The assessors and commissioners in making the assessments against the property of your petitioners based the same solely upon the contention that the construction of the highway in question would result in the general upbuilding and general improvement of the surrounding country and would thereby result in increased traffic to your petitioners at some time in the future. It was, therefore, contended by said assessors and commissioners, and the courts, that this probable and conjectural increased revenue, which might result and would result only from the clearing up and cultivation of lands not now in cultivation, would be and was a benefit within the meaning of said Act, 338 of the General Assembly of Arkansas of 1915, the said assessors and commissioners contending that the general improvement and upbuilding of the country which might be brought about by the construction of the highway would
351 bring increased traffic and increased revenue to the business of your petitioners. Your petitioners allege that said contingent and probable and conjectural increase in traffic and revenue is not a benefit within the meaning of the law, as decided by the Supreme Court of Arkansas and under Act No. 338 of the General Assembly of Arkansas of 1915.

(8) Your petitioners further contended in their plea that said assessments were a burden upon interstate commerce, the assessors and commissioners taking into the value of your petitioners property a part of your petitioners' property which is located outside of the State of Arkansas, and a part of which is located outside of the district, said property being used by your petitioners in interstate commerce, and said action of the assessors and commissioners, therefore, violated the rights of your petitioners under Section 8 of Art. 1 of the Constitution of the United States and the Interstate Commerce Acts of Congress made in pursuance thereof.

Your petitioners respectfully allege and show that the above grounds were alleged by them to the County Court of Little River County and that said grounds draw in question their rights under Section 1 of the Fourteenth Amendment to the Constitution of the United States, and under Section 8 of Art. 1 of said Constitution, and the said assessors and commissioners by denying the plea of your petitioners thereby deprived your petitioners of their property and also denied to your petitioners their rights, immunities and privileges contrary to and under said Section of the Constitution of the United States last above named. Your petitioners, therefore,

respectfully represent and allege that the Supreme Court of the State of Arkansas, in affirming the decision of the Circuit Court of Little River County, State of Arkansas, which had affirmed the decision of the County Court of Little River County, Arkansas, which latter court had affirmed the decision of the assessors and commissioners, in effect deprived your petitioners of their property and denied to your petitioners their rights, privileges and immunities guaranteed to them by the Sections of the Constitution of the United States above referred to, and said decision of the Supreme Court of Arkansas was, therefore, against the rights, privileges and immunities and protection guaranteed to your petitioners by said Sections of the Constitution of the United States, and deprived your petitioners of their property contrary to said Section of said constitution.

Your petitioners respectfully allege that all of the above matters are fully set forth in the proceedings which are made a part hereof.

Your petitioners, therefore, allege and claim that their property is not liable to the assessments of benefits as held in said decision of the Supreme Court of the State of Arkansas, and that said assessments of benefits should be set aside on the grounds and for the reasons set forth in the assignments of error, which is herewith filed and made a part of this petition for writ of error.

Your petitioners further allege that the said Supreme Court of Arkansas in the judgment above referred to, which was made final on the 29th day of September, 1919, held that said assessments were fair and just and correct, and that there was sufficient testimony tending to uphold said assessments, and said judgment and decision of the Supreme Court of the State of Arkansas upheld said assessments and thereby denied to your petitioners their rights under the Sections of the Constitution of the United States above set forth. Your petitioners allege that all of the above matters are fully set forth in said proceedings and your petitioners herewith offer proper supersedeas bond as required by law and pray that said bond be approved.

Wherefore, your petitioners further pray the allowance of a writ of error returnable into the Supreme Court of the United States as provided by law, and that a duly authenticated transcript of the proceedings be sent to said Supreme Court of the United States, and further for citation and supersedeas, and your petitioners will ever pray; and that upon the final hearing of this cause in the Supreme Court of the United States, the judgment and decision of the Supreme Court of the State of Arkansas be reversed and that your petitioners have all other and further relief to which they may be entitled.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,

By JAMES B. McDONOUGH,
Their Attorney.

Filed November 5, 1919.
W. P. SADLER, *Clerk.*

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Allowance of Writ of Error.

Let the writ of error issue as prayed upon the execution of supersedeas bond in the sum of Twenty-five Thousand Dollars (\$25,000.00), said bond when approved, to act as a supersedeas.

Dated this 5th day of November, 1919.

E. A. McCULLOCH,

*Chief Justice of the Supreme Court of the
State of Arkansas, Now and at the time of
the Rendition of the Judgment Herein.*

Filed November 5th, 1919.

W. P. SADLER,

*Clerk of the Supreme Court of the State
of Arkansas.*

355 In the Supreme Court of the State of Arkansas.

UNITED STATES OF AMERICA:

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Plaintiffs in Error,

vs.

ROAD IMPROVEMENT DISTRICT No. 6, of Little River County,
Arkansas, Defendant in Error.

Supersedeas Bond.

Know all men by these presents:

That we, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, as principals, and American Surety Company of New York as surety, are held and firmly bound unto Road Improvement District Number 6 of Little River County, Arkansas, in the penal sum of Twenty-five Thousand Dollars (\$25,000.00), as hereinafter provided.

Sealed with our seals and dated this 3rd day of November, 1919.

The above bond is upon this condition, to-wit:

Whereas The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company have taken a writ of error from the judgment of the Supreme Court of the State of Arkansas, rendered at the present term of said court, and on the 29th day of September, 1919, in favor of Road Improvement District No. 6 of Little River County, State of Arkansas, adjudging and decreeing that the property of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company would be benefitted by the construction of a highway in said Road Improvement District in the sum of \$67,900.00; and

356 Whereas the Supreme Court of Arkansas on said 29th day of September, 1919, made said judgment final by overruling a petition for rehearing on that day; and

Whereas The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company have prosecuted a writ of error and are prosecuting a writ of error for the purpose of taking said cause to the Supreme Court of the United States to reverse the judgment rendered by the Supreme Court of the State of Arkansas in the above entitled cause; and

Whereas The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company desire to supersede the said judgment.

Now, therefore, the above named principals and surety hereby covenant to and with the above named defendant in error, Road Improvement District No. 6 of Little River County, Arkansas, that the Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company will pay unto the said Road Improvement District No. 6 of Little River County, Arkansas, defendant in error, all costs and damages that may be adjudged against the said plaintiffs in error, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, and that the said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company will perform the judgment of the court rendered in the premises in said cause, and in the event of the failure of said plaintiffs in error to prosecute their said writ of error to final judgment in the Supreme Court of the United States, or if said writ of error shall for any cause be dismissed, or if on the hearing of said writ of error in the Supreme Court of the United States, the judgment of the Supreme Court of the State of Arkansas shall be affirmed, then if the said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company shall fully pay and perform the judgment of the court, and shall fully perform all the orders and judgments of said Supreme Court of the United States, then this obligation shall be null and void; otherwise the same shall remain in full force and effect.

Witness our hands and seals this 3rd day of November, 1919.

THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,
THE TEXARKANA & FORT SMITH
RAILWAY COMPANY,

By JAMES B. McDONOUGH,

Their Attorney.

AMERICAN SURETY COMPANY OF
NEW YORK,

By H. P. WARNER,

Resident Vice Pres.

Attest:

HARRY K. ALBERS,

Res. Asst. Sec. [SEAL.]

Approval of Bond.

The above and foregoing bond is approved, this the 5th day of November, 1919.

E. A. McCULLOCH,
*Chief Justice of Supreme Court of
 Arkansas, Now and at the Time of the
 Rendition of Said Judgment.*

Bond filed November 5th, 1919.

W. P. SADLER,
Clerk of the Supreme Court of Arkansas.

[Endorsed:] (Copy) The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, Plaintiffs in Error, vs. Road Improvement District No. 6, of Little River County, Arkansas, Defendant in Error. Supersedeas bond.

358 UNITED STATES OF AMERICA, *set*:

In the Supreme Court of Arkansas.

No. 5743.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Plaintiffs in Error,

vs.

ROAD IMPROVEMENT DISTRICT No. 6, of Little River County, Arkansas, Defendants in Error.

Writ of Error and Allowance Thereon.

Writ of Error.

UNITED STATES OF AMERICA, *set*:

The President of the United States of America to the Honorable Judges of the Supreme Court of the State of Arkansas, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment which said judgment is in the said cause before you, or some of you, being the highest court of law or equity of the said State of Arkansas, in which a decision could be had in said suit between The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, defendants, and Plaintiffs in Error herein, and Road Improvement District Number 6 of Little River County, Arkansas, plaintiff below, and Defendant in Error herein, and numbered 5743 in said Supreme Court of Arkansas, wherein was drawn in question the construction of certain Sections

of the Constitution of the United States, and the plaintiffs in error contended that under Section 1 of the 14th Amendment to the Constitution of the United States, and under Section 5 of said Amendment, the plaintiffs in error, The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, were denied the equal protection of the laws, and were denied certain rights, privileges and immunities, especially set up
359 and claimed under said Sections of the Constitution of the United States, manifest error hath happened to the great damage of the said The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, plaintiffs in error herein, as by their prayer for appeal and complaint duly appears, we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly you send the record and proceedings aforesaid with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you may have the same at Washington City on the — day of November, 1919, next, in said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, said Supreme Court may cause further to be done therein, to correct that error, if any, and do what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Edward Douglass White, Chief Justice of the Supreme Court of the United States, this 5th day of November, 1919.

[Seal of the District Court of East. Dist. Ark., Western Division, U. S. A.]

SID. B. REDDING,

*Clerk of the District Court of the United States for the
Eastern District of Arkansas, Western Division Thereof,*

By W. P. FEILD, JR., D. C.

Filed November 5, 1919.

W. P. SADLER,

Clerk.

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In the Supreme Court of Arkansas.

No. 5743.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEXARKANA & FORT SMITH RAILWAY COMPANY, Plaintiffs in Error,

VS.

ROAD IMPROVEMENT DISTRICT NUMBER 6, of Little River County, Arkansas, Defendant in Error.

Allowance of Writ.

The writ or error herein is allowed by

E. A. McCULLOCH,
*Chief Justice of the Supreme Court of the
State of Arkansas, Now and the Time of
the Rendition of Said Judgment.*

Filed November 5th, 1919.

W. P. SADLER,

Clerk.

361 SUPREME COURT,

State of Arkansas, ss:

I, W. P. Sadler, clerk of the said court, do hereby certify that there was lodged with me as such clerk on November 5, 1919, in the matter of The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, versus Road Improvement District No. 6 of Little River County, Arkansas.

1. The original bond of which a copy is herein set forth.
2. Copies of the writ of error, as herein set forth,—one for each defendant, and one to file in my office.

In testimony, I have hereunto set my hand and affixed the seal of said court at my office, in Little Rock, Arkansas, this November 14, 1919.

[Seal of the Supreme Court of Arkansas.]

W. P. SADLER,
Clerk Supreme Court of Arkansas.

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In the Supreme Court of the United States.

THE KANSAS CITY SOUTHERN RAILWAY COMPANY and THE TEX-
ARKANA & FORT SMITH RAILWAY COMPANY, Plaintiffs in Error,

VS.

ROAD IMPROVEMENT DISTRICT NUMBER 6, of Little River County,
Arkansas, Defendant in Error.

UNITED STATES OF AMERICA,

*State of Arkansas, set:**Citation.*

To Road Improvement District Number 6, of Little River County,
Arkansas:

You are hereby cited and admonished to be and appear at and be-
fore the Supreme Court of the United States at Washington, District
of Columbia, within thirty days from the date hereof, pursuant to
a writ of error filed in the office of the Clerk of the Supreme Court
of the State of Arkansas, wherein The Kansas City Southern Rail-
way Company and The Texarkana & Fort Smith Railway Company
are Plaintiffs in Error, and you are Defendant in Error, to show
cause, if any there be, why the judgment rendered against Plaintiffs
in Error as in said writ of error mentioned, should not be corrected,
and why speedy justice should not be done to the parties in that be-
half.

Witness the Honorable Edgar A. McCulloch, Chief Justice of the
Supreme Court of the State of Arkansas, this 5th day of November,
1919.

E. A. McCULLOCH,
*Chief Justice of the Supreme Court of
Arkansas, Now and at the Time of the
Rendition of said Judgment.*

Attest:

W. P. SADLER,
Clerk.

By _____,
Deputy Clerk.

Filed November 5, 1919.

W. P. SADLER,
Clerk.

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Acceptance of Service of Citation.

The Defendant in Error, Road Improvement District Number 6
of Little River County, Arkansas, hereby accepts service of the above

citation, and acknowledges the receipt of a copy of the same, this 5th day of November, 1919.

ROAD IMPROVEMENT DISTRICT NUMBER 6
OF LITTLE RIVER COUNTY, ARKANSAS,

By A. D. DULANEY,

Attorney for Defendant in Error.

364 UNITED STATES OF AMERICA,

Supreme Court of Arkansas, ss:

In obedience to the commands of the within writ, I herewith transmit to the Supreme Court of the United States a duly certified transcript of the complete record and proceedings in the within entitled case, with all things concerning the same.

In witness whereof, I hereunto subscribe my name, and affix the seal of said Supreme Court of Arkansas, in the City of Little Rock, this November 14, 1919.

[Seal of the Supreme Court of Arkansas.]

W. P. SADLER,

Clerk Supreme Court of Arkansas.

Costs of Suit.

| | | |
|--|--------|------|
| Costs in Circuit Court..... | 16.05 | |
| Costs in Supreme Court..... | 81.85 | |
| Making transcript pursuant to Writ of Error..... | 136.50 | Paid |
| by plaintiffs in error. | | |

Endorsed on cover: File No. 27,375. Arkansas Supreme Court. Term No. 620. The Kansas City Southern Railway Company and The Texarkana & Fort Smith Railway Company, plaintiffs in error, vs. Road Improvement District Number 6 of Little River County, Arkansas. Filed December 2d, 1919. File No. 27,375.